

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

FAO No. 7161 of 2015 (O&M)

Date of Decision:- 06.02.2018

Maya Devi & Ors.

....Appellants

Versus

Dharampal & Ors.

...Respondents

CORAM: HON'BLE MRS.JUSTICE REKHA MITTAL

Present: Mr. Lalit Kumar, Advocate, for
Mr. Johan Kumar, Advocate, for the appellants.

Mr. D.K. Prajapati, Advocate,
for the respondent – Insurance Co.

REKHA MITTAL, J. (Oral)

Claimants are in appeal seeking enhancement of compensation on account of death of Damodar Mangla in a motor vehicular accident that took place on 09.02.2014.

The Motor Accidents Claims Tribunal, Palwal (for short, 'the Tribunal') has awarded compensation of Rs.5,93,000/-, detailed hereunder:-

Monthly income of the deceased	=	Rs.5,000/-
deduction for personal expenses	=	1/5 th
Multiplier applied	=	11
Loss of dependency	=	Rs.5,28,000/-
Loss of consortium	=	Rs.50,000/-
Funeral expenses	=	Rs.10,000/-
Loss of Estate	=	Rs.5,000/-

Counsel for the claimants has submitted that Tribunal has not allowed benefit of increase in income for future prospects. Adequate compensation may be allowed under conventional heads.

Counsel for the Insurance Company has supported assessment made by the Tribunal.

The deceased was 53 years old and his income was assessed as Rs.5,000/-. In view of judgment of Hon'ble the Supreme Court **National Insurance Co. Ltd. Vs. Parnay Sethi and Ors, 2017 SCC 1270**, claimants shall be entitled to benefit of future prospects @10%. In this manner, loss of dependency comes to ₹5000/- x 12 x 11 (Rs.6,60,000) + 10% thereof (Rs. 66,000) - 1/5th thereof (Rs,1,45,200) = **Rs.5,80,800/-**.

Under conventional heads, claimants shall be entitled to ₹70,000/- as detailed below

Funeral expenses	=	₹15,000/-
Loss of estate	=	₹15,000/-
Loss of consortium	=	₹40,000/- .

In this manner, total compensation comes to Rs.6,50,800/-. The additional amount of **Rs.57,800/- (Rs. 6,50,800 – Rs.5,93,000/- = Rs.57,800/-)** is payable with interest @7.5% per annum from the date of petition till realisation.

The appeal is partly allowed in the aforesaid terms.

February 06, 2018
tripti

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No