

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

246

FAO-7194-2015 (O&M)
Date of decision: 16.11.2018

BIMLA DEVI

... Appellant

Versus

ASHOK KUMAR & ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Ms. Anita Balyan, Advocate for the appellant.

Ms. Vandana Malhotra, Advocate for the insurance co.

REKHA MITTAL, J. (Oral)

The claimant is in appeal seeking enhancement of compensation on account of death of Jai Kishan in a motor vehicular accident that took place on 28.12.2011.

The Tribunal has awarded compensation of Rs.6,70,000/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.7500/-
2. Multiplier	9
3. Deduction for personal expenses	1/3 rd
4. Loss of dependency	Rs.5,40,000/-
5. Expenses on funeral	Rs.25,000/-
6. Loss to estate	Rs.5000/-
7. Loss of consortium	Rs.1,00,000/-

Claimant shall be entitle to addition in income for future prospects @ 10%. As the deceased was in the age bracket of 51 to 55 years, admissible multiplier is 11. Deduction for personal expenses allowed by the Tribunal is correct and affirmed. In this context, reference can be made to Division Bench judgment of Madhya Pradesh High Court **Anurag Jain and others vs. Ramveer Singh and others, 2007 (4) TAC 279**, Karnataka High Court **Ningappa Ramanna Kori and another vs. Tamil Nadu State Transport (Madurai) Ltd., 2016 AAC 1629** and this Court **Pawan Kumar and others vs. Ramesh Kumar and others, 2016(1) Law**

Herald 758. In this manner, loss of dependency is calculated at Rs.7,26,000/- [(7500 x 12 x 11) + (10% future prospects) – (1/3rd deduction for personal expenses)].

Under conventional heads, claimant shall be entitle to Rs.70,000/-, detailed hereunder:-

1. Loss of consortium	Rs.40,000/-
2. Loss of estate	Rs.15,000/-
3. Funeral expenses	Rs.15,000/-

Total compensation is Rs.7,96,000/- and the additional amount is Rs.1,26,000/- (7,96,000 - 6,70,000), payable with interest @ 7.5% per annum from the date of petition till realization.

For the foregoing reasons, the appeal is partly allowed in the aforesaid terms.

16.11.2018

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No