

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

FAO No.8930 of 2014 (O&M)

Date of decision: 07.02.2018

Surjeet Kaur and others

... Appellants

Versus

Harvinder Singh @ Bobby and others

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : None for the appellants.

None for respondents No.1 and 2.

Mr. Kulwinder Singh, Advocate for
Mr. Sanjeev Goyal, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

CM No.24243-CII of 2014

Heard.

Allowed as prayed for. Delay of 37 days in filing the appeal stands condoned.

Main Case

The claimants are in appeal seeking enhancement of compensation on account of death of Jaspal Singh in a motor vehicular accident that took place on 16.05.2013.

The Tribunal has awarded compensation to the tune of Rs.17,83,000/- detailed hereunder:-

1. Monthly income of the deceased

Rs.24,000/-

2. Multiplier	9
3. Deduction for personal expenses	1/3 rd
4. Loss of dependency	Rs.17,28,000/-
5. Expenses on funeral	Rs.10,000/-
6. Loss of consortium	Rs.15,000/-
7. Loss of love and affection	Rs.30,000/-

Counsel representing the insurance company has supported assessment made by the Tribunal with the submission that adequate compensation has been allowed.

There is no representation on behalf of the claimants, earlier being represented by a counsel.

The deceased was working as Civil Mess Waiter in Air Force Station, Kalpi. As per salary record Ex.P2, his salary was Rs.23,346/- per month. The Tribunal has taken into consideration monthly income of the deceased at Rs.24,000/- per month. The application for compensation was filed by the widow and three minor children of the deceased, therefore, admissible deduction for personal expenses is 1/4th. Multiplier adopted by the Tribunal is affirmed. However, claimants shall be entitled to increase in income for future prospects @ 15%. In this manner, loss of dependency comes to Rs.22,35,600/- (Rs.24,000 x 12 x 9) + (15% future prospects) – (1/4th deduction for personal expenses).

Under conventional heads, compensation awarded by the Tribunal is modified by allowing a sum of 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/-
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Total compensation is Rs.23,05,600/- and the additional amount is Rs.5,22,600/- (23,05,600 – 17,83,000), payable with interest @7.5% per annum from the date of petition till realization to be shared by the claimants in equal proportion. The share of minor children shall be deposited in FDRs payable on their attaining age of majority or for a period of three years, whichever is later.

The appeal is partly allowed in the aforesaid terms.

07.02.2018

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No