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

**Date of decision: 02.05.2018**

**FAO No.9009 of 2014 (O&M)**

Smt. Gejjo Kaur and another ... Appellants

Versus

Sh. Megha Singh and others ... Respondents

**FAO No.9010 of 2014 (O&M)**

Smt. Jeeto Kaur and another ... Appellants

Versus

Sh. Megha Singh and others ... Respondents

**CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL**

Present : Mr. Ashwani Arora, Advocate for the appellants.

Mrs. Shamsher Kaur, Advocate for the insurance company.

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**REKHA MITTAL, J. (Oral)**

This order will dispose of FAO Nos.9009 and 9010 of 2014 as these have emerged out of the same accident that took place on 08.04.2013, resulting in death of Karnail Singh and Jagroop Singh.

FAO No.9009 of 2014 has been filed by Gejjo Kaur and another for enhancement of compensation qua death of Karnail Singh whereas FAO No.9010 of 2014 has been filed by claimants for the same relief on account of death of Jagroop Singh.

**FAO No.9009 of 2014**

The Tribunal has assessed notional income of the deceased at Rs.40,000/- per annum and awarded compensation of Rs.6,85,000/-, detailed hereunder:-

| | |
|---|---|
| 1. Notional income of the deceased | Rs.40,000/- per annum |
| 2. Multiplier | 14 |
| 3. Loss of dependency | Rs.5,60,000/- |
| 4. Expenses on funeral | Rs.25,000/- |
| 5. Loss of love and affection | Rs.1,00,000/- |

The claimants examined Kuldeep Kumar, Clerk, Government ITI, Faridkot to prove that the deceased was student of ITI 3rd year at Faridkot. The deceased was 21 years old unmarried son of claimants Gejjo Kaur and Jasmail Singh. Taking into consideration the minimum wage of a semi skilled worker at the relevant time, income of the deceased is assessed at Rs.6400/- per month. Claimants shall be entitled to addition in income for future prospects @ 40%. In this context, reference can be made to judgment of this Court **National Insurance Co. Ltd. Vs. Pushpa Singh Chauhan and others, FAO No.1502 of 2015, decided on 20.03.2015** affirmed by Hon'ble the Supreme Court in Special Leave Petition (C) S. No.19533 of 2015. Deduction for personal expenses would be 50%. However, in view of age of the deceased, admissible multiplier is 18. In this context reference can be made to judgments of Hon'ble the Supreme Court **Sarla Verma & Ors vs Delhi Transport Corp.& Anr, 2009 (3) RCR (Civil) 77**, **Munna Lal Jain and anr. vs. Vipin Kumar Sharma and ors., 2015 (3) SCC (Civil) 315** and **National Insurance Company**

**Limited Vs. Pranay Sethi and Ors., 2017 SCC 1270**. In this manner, loss of dependency comes to Rs.9,67,680/- (Rs.6400 x 12 x 18) + (40% future prospects) – (50% deduction for personal expenses).

Under conventional heads, compensation awarded by the Tribunal is modified to the effect that the claimants shall be entitled to Rs.30,000/- i.e. Rs.15,000/- for expenses on funeral and Rs.15,000/- for loss to estate.

Total compensation is Rs.9,97,680/- and the additional amount of Rs.3,12,680/- (9,97,680 – 6,85,000) would be payable with interest @7.5% per annum from the date of petition till realization, to mother of the deceased.

The appeal is partly allowed in the aforesaid terms.

**FAO No.9010 of 2014**

With regard to death of Jagroop Singh, the Tribunal has awarded an amount of Rs.5,93,000/-, detailed hereunder:-

| | |
|---|---|
| 1. Monthly income of the deceased | Rs.6000/- |
| 2. Multiplier | 13 |
| 3. Deduction for personal expenses | 50% |
| 4. Loss of dependency | Rs.4,68,000/- |
| 5. Expenses on funeral | Rs.25,000/- |
| 6. Loss of love and affection | Rs.1,00,000/- |

The plea of the claimants is that the deceased was working as Raj Mistri (Mason) and earning Rs.15,000/- per month but they failed to adduce satisfactory much less cogent evidence to establish their plea in this regard. Taking into consideration minimum wage of an unskilled labour available at the relevant time, income of the deceased is assessed at Rs.5700/- per month. Claimants shall be entitled to benefit of future prospects @ 40% and multiplier of 18 is to be applied in view of observations made in FAO No.9009 of 2014. In this manner, loss of dependency comes to Rs.8,61,840/- (Rs.5700 x 12 x 18) + (40% future prospects) – (50% deduction for personal expenses).

Under conventional heads, compensation awarded by the Tribunal is modified to the effect that the claimants shall be entitled to Rs.30,000/- i.e. Rs.15,000/- for expenses on funeral and Rs.15,000/- for loss to estate.

Total compensation is Rs.8,91,840/- and the additional amount of Rs.2,98,840/- (8,91,840 – 5,93,000), payable with interest @ 7.5% per annum from the date of petition till realization, to mother of the deceased.

The appeal is partly allowed in the aforesaid terms.

02.05.2018 **(REKHA MITTAL)**
ashok **JUDGE**

Whether speaking/reasoned: Yes / No
Whether reportable: Yes / No