

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

FAO-9023-2014 (O&M)
Date of decision: 22.03.2018

MEENAKSHI DEVI AND ORS ... Appellants

Versus

JAGROOP SINGH AND ORS ... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. D.K. Gupta, Advocate
for the appellants.

Mr. V. Ramswaroop, Advocate
for the insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Munish Singh Harchand in a motor vehicular accident that took place on 22.08.2013.

The Tribunal has awarded compensation of Rs.22,54,468/-,
detailed hereunder:-

- | | |
|---|-------------------|
| 1. Monthly income of the deceased | Rs.15,400/- |
| 2. Multiplier | 17 |
| 3. Deduction for personal expenses | 1/3 rd |
| 4. Loss of dependency | Rs.20,94,468/- |
| 5. Loss of love and affection, deprivation of protection, social security etc. | Rs.1,00,000/- |
| 6. Loss of love and affection, pain and suffering
loss of consortium, deprivation of protection, | Rs.50,000/- |

social security etc.

7. Expenses on funeral and last rites Rs.10,000/-

Counsel for the claimants would urge that claimants are entitled to benefit of increase in income for future prospects @ 40%. Admissible deduction for personal expenses should be 1/4th in place of 1/3rd as application for compensation was filed by the widow, two minor children and mother of the deceased, held to be dependent upon his income.

Counsel representing the insurance company, on the other hand, would argue that compensation allowed under conventional heads needs to be restricted to Rs.70,000/- in the light of latest judgment of Hon'ble the Supreme Court **National Insurance Company Limited Vs. Pranay Sethi and Ors., 2017 SCC 1270.**

As the deceased was 30 years old at the time of occurrence, claimants shall be entitled to benefit of future prospects @ 40%. Deduction for personal expenses would be 1/4th, as has been rightly argued by the counsel for the claimants. In this manner, loss of dependency comes to Rs.32,98,680/- (Rs.15,400 x 12 x 17) + (40% future prospects) – (1/4th deduction for personal expenses).

Under conventional heads, compensation awarded is modified to the effect that claimants shall be entitled 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.33,68,680/- and the additional amount is Rs.11,14,212/- (33,68,680 – 22,54,468), payable with interest @7.5% per annum from the date of petition till realization to widow and minor children of the deceased in the proportion 40:30:30. The share of minors shall be deposited in fixed deposit payable on their attaining age of majority or for a period of three years, whichever is later. The interest accruing on FDRs shall be payable to mother of the minors for meeting expenses on their education and living.

The appeal is partly allowed in the aforesaid terms.

22.03.2018

ashok

(REKHA MITTAL)
JUDGE

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