IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-9182-2014 (O&M)
Date of decision: 15.03.2018

GURBAKSH KAUR AND ORS ... Appellants

Versus

RAMESH SINGH AND ORS ... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Ajay K. Sharma, Advocate
for the appellants.

Mr. Banni Thomas, Advocate
for the insurance company.

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REKHA MITTAL, J. (Oral)

CM No.25453-CII of 2014

Heard.

Allowed as prayed for. Delay of 67 days in refiling the appeal stands condoned.

Main Case

The claimants are in appeal seeking enhancement of compensation on account of death of Hardeep Singh in a motor vehicular accident that took place on 17.03.2008.

The Tribunal has awarded compensation of Rs.3,70,000/-, detailed hereunder:-

1. Monthly income of the deceased Rs.3000/-

2. Multiplier	10
3. Deduction for personal expenses	1/3rd
4. Loss of dependency	Rs.5000/-
5. Expenses on funeral	Rs.25,000/-
6. Loss of consortium	Rs.1,00,000/-

Counsel for the appellants has prayed for grant of compensation primarily on two counts. It is argued that an appropriate multiplier on the basis of age of the deceased may be applied. Claimants are entitled to increase in income for future prospects @ 40%.

Counsel representing the insurance company would urge that as the deceased was unmarried son of Smt. Gurbaksh Kaur, mother and Sh. Sukhwinder Singh, admissible deduction should be 50% in the light of judgment of Hon'ble the Supreme Court **Sarla Verma & Ors vs Delhi Transport Corp.& Anr, 2009 (3) RCR (Civil) 77**. Compensation allowed under conventional heads is liable to be restricted to Rs.30,000/- in the light of latest judgment of Hon'ble the Suprme Court **National Insurance Company Limited Vs. Pranay Sethi and Ors., 2017 SCC 1270**.

The Tribunal has assessed income of the deceased at Rs.3000/- per month and the same is affirmed. However, multiplier of 18 is to be allowed in the light of enunciation laid down in **Sarla Verma's case** (supra). Similarly, deduction for personal expenses would be 50% as claimant No.3 cannot be held to be dependent upon income of the deceased during the lifetime of his father aged about 40 years. Claimants shall be entitled to benefit of future prospects @ 40%. In this manner, loss of dependency comes to Rs.4,53,600/- (Rs.3000 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 claimants shall be entitled to Rs.30,000/- namely Rs.15,000/- for loss of estate and Rs.15,000/- for funeral expenses.

Total compensation is Rs.4,83,600/- and the additional amount is Rs.1,13,600/- (4,83,600 – 3,70,000), 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.

15.03.2018
ashok

(REKHA MITTAL)
JUDGE

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