

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

-.-

FAO 9379 of 2014 (O&M)
Date of decision: 26.07.2018

Shanta Devi and another

..... Appellants

Versus

Yad Ram and others

..... Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. B S Tewatia, Advocate
for the appellants

Mr. Rajbir Singh, Advocate
for respondent No. 3

-.-

Rekha Mittal, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Devanand, aged 16 years in a motor vehicular accident that took place on 12.06.2010.

The Tribunal has assessed compensation of Rs.2,50,000.00, detailed hereunder:-

Annual income of the deceased	Rs.1,5000/-
Multiplier	16
Loss of dependency	Rs.2,40,000/-
Funeral expenses	Rs.10,000/-

The deceased was 16 years old son of the claimants. As per plea of the claimants, he was a student of 10th standard. The Tribunal has noticed that there is no rebuttal to evidence led by the claimants in regard to age and status of the deceased. Taking into consideration minimum wage of an unskilled worker coupled with that the deceased was a student of 10th standard, notional income of the deceased is assessed at Rs.4,600.00 per

month. The claimants shall be entitled to addition in income for future prospects at the rate of 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 SLP(C) No.19533 of 2015. Admissible multiplier, in the light of judgment of Hon'ble the Supreme Court *Sarla Verma and others v. Delhi Transport Corporation and another 2009(3) R.C.R. (Civil) 77*, is 18. Deduction for personal expenses would be 50%. In this view of the matter, loss of dependency is calculated at Rs.6,95,520.00 (Rs.9,93,600/- i.e. 4,600.00 x 12 x 18 + Rs.3,97,440.00 (40% increase in income for future prospects) – Rs.6,95,520.00 (50% deduction)).

Under conventional heads, claimants shall be entitled to Rs.30,000.00, in the light of judgment of Hon'ble the Supreme Court *National Insurance Company Limited v. Pranay Sethi and others, 2017 SC 1270*, detailed hereunder:-

Expenses of funeral and last rites	Rs.15,000.00
Loss of estate	Rs.15,000.00

Total compensation comes to Rs.7,25,520.00 and additional amount is Rs.4,75,520.00 (Rs.7,25,520.00 – Rs.2,50,000.00), payable with interest at the rate of 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.

(Rekha Mittal)
Judge

26.07.2018
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Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No