

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

225

FAO-7877-2015 (O&M)
Date of decision: 05.04.2018

BALBIR SINGH AND ANR

... Appellants

Versus

JASMIT SINGH AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Alekh S. Mehta, Advocate for
Mr. Tarun Vir S. Lehal, Advocate for the appellants.

None for respondents No.1 and 2.

Mr. Sandeep Suri, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Jatinder Singh in a motor vehicular accident that took place on 20.02.2014.

The Tribunal has awarded compensation of Rs.7,18,000/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.6000/-
2. Multiplier	18
3. Deduction for personal expenses	50%
4. Loss of dependency	Rs.6,48,000/-
5. Expenses on funeral	Rs.20,000/-
6. Loss of love and affection	Rs.50,000/-

The sole submission made by counsel for the appellants is that the claimants are entitled to benefit of future prospects @ 40%.

Counsel representing the insurance company would say that compensation awarded under conventional heads needs to be restricted to Rs.30,000/- in the light of judgment of Hon'ble the Supreme Court **National**

Insurance Company Limited Vs. Pranay Sethi and Ors., 2017 SCC 1270.

There is no representation on behalf of respondents No.1 and 2, despite service.

The deceased was 22 years old unmarried son of the claimants. Claimants shall be entitled to benefit of future prospects @ 40%. Deduction for personal expenses and multiplier adopted by the Tribunal are affirmed. In this manner, loss of dependency comes to Rs.9,07,200/- (Rs.6000 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 expenses on funeral and Rs.15,000/- for loss of estate.

Total compensation is Rs.9,37,200/- and the additional amount is Rs.2,19,200/- (9,37,200 – 7,18,000), payable with interest @ 7.5% per annum from the date of petition till realization to mother of the deceased.

All other terms and conditions of the award shall remain intact.

The appeal is partly allowed in the aforesaid terms.

**(REKHA MITTAL)
JUDGE**

05.04.2018
ashok

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No