

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

208

FAO-9720-2014 (O&M)
Date of decision: 07.08.2018

ORIENTAL INSURANCE CO. LTD

... Appellant

Versus

GURMEET KAUR AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Suvir Dewan, Advocate for the appellant.

Mr. Inderjit Sharma, Advocate for respondents No.1 to 4.

Mr. BPS Virk, Advocate for respondents No.5 and 6.

REKHA MITTAL, J. (Oral)

The present appeal directs challenge against award dated 07.08.2014 passed by the Motor Accidents Claims Tribunal, Patiala whereby compensation has been assessed on account of death of Karnail Singh in a motor vehicular accident that took place on 14.02.2012.

The Tribunal has awarded compensation of Rs.6,44,000/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.6000/-
2. Multiplier	13
3. Deduction for personal expenses	1/3 rd
4. Loss of dependency	Rs.6,24,000/-
5. Expenses on funeral	Rs.5000/-
6. Loss of consortium	Rs.10,000/-
7. Loss to estate	Rs.5000/-

The sole submission made by counsel for the appellant-insurance company is that as claimants No.1 to 3 are the married daughters of deceased Karnail Singh, they are not entitled to compensation qua loss of dependency.

Counsel for the claimants, on the contrary, would urge that application for compensation has been filed by three married daughters, one minor son whereas widow of the deceased has been arrayed as proforma

respondent. It is argued that even if married daughters of the deceased are not entitled to compensation qua loss of dependency, claimant No.4 and widow of the deceased are certainly entitled to compensation qua loss of dependency. It is argued that the Tribunal has not allowed benefit of increase in income for future prospects and adequate compensation under conventional heads.

Indisputably, application for compensation has been filed by three married daughters and a minor son of deceased Karnail Singh. Jasbir Kaur widow of late Sh. Karnail Singh has been arrayed as respondent No.4. In the given scenario, loss of dependency is to be assessed coupled with entitlement of claimants to get compensation under conventional heads. The deceased is said to be in the age bracket of 46 to 50 years, therefore, claimants shall be entitled to benefit of future prospects @ 25%. Multiplier and deduction for personal expenses allowed by the Tribunal are correct and affirmed. In this manner, loss of dependency is calculated at Rs.7,80,000/- [(Rs.6000 x 12 x 13) + (25% future prospects) – (1/3rd deduction for personal expenses)].

Under conventional heads, 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.8,50,000/- and the additional amount is Rs.2,06,000/- (8,50,000 - 6,44,000), payable with interest @ 7.5% per annum from the date of petition till realization, to minor son of the deceased, to be invested in fixed deposit till he attains the age of majority or for a period of three years, whichever is later.

The appeal is disposed of in the aforesaid terms.

07.08.2018
ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No