

FAO No.8174 of 2015 (O&M)
Date of decision: 23.02.2018

... Appellants

... Respondents

Mr. S.P. Arora, Advocate and
Ms. Neha Sharma, Advocate
for the insurance company.

The claimants are in appeal seeking enhancement of compensation on account of death of Baljeet Singh in a motor vehicular accident that took place on 14.05.2014.

The Tribunal has awarded compensation of Rs.6,22,000/-,
detailed hereunder:-

1. Monthly income of the deceased	Rs.6000/-
2. Deduction for personal expenses	50%
3. Multiplier	14
4. Loss of dependency	Rs.5,04,000/-
5. Funeral expenses and transportation etc.	Rs.20,000/-
6. Mental pain and sufferings and love and affection	Rs.20,000/-

7. Expenses on medical treatment Rs.78,000/-

Counsel for the appellants would pray for enhancement of compensation primarily on two counts. It is argued that claimants are entitled to benefit of increase in income for future prospects @ 40%. Multiplier adopted by the Tribunal is liable to be modified on the basis of age of the deceased who was 20 years old.

Counsel representing the insurance company has supported assessment made by the Tribunal.

Indisputably, deceased was 20 years old, claimants shall be entitled to increase in income for future prospects @ 40%. The Tribunal has applied multiplier of 14 on the basis of age of mother of the deceased but the appropriate multiplier is 18 in the light of judgments of Hon'ble the Supreme Court **Sarla Verma & Ors vs Delhi Transport Corp.& Anr, 2009 (3) RCR (Civil) 77, Munna Lal Jain and anr. vs. Vipin Kumar Sharma and ors., 2015 (3) SCC (Civil) 315 and National Insurance Company Limited Vs. Pranay Sethi and Ors., 2017 SCC 1270**. 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).

Compensation awarded by the Tribunal under conventional heads is modified to the effect that claimants shall be entitled to Rs.30,000/- i.e. Rs.15,000 for funeral expenses and Rs.15,000/- for loss of estate. Compensation of Rs.78,000/- awarded by the Tribunal towards medical treatment is affirmed.

Total compensation is Rs.10,15,200/- and the additional amount is Rs.3,93,200/- (10,15,200 – 6,22,000), 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.

23.02.2018

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No