

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

FAO-9836-2014 (O&M)
Date of decision: 19.02.2018

Smt. Sushma and others ... Appellants

Versus

Sultan and others ... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : None for the appellants.

Mr. Pardeep Mor, Advocate for
Mr. Vikram Dhakla, Advocate
for respondents No.1 and 2.

Mr. Punit Jain, Advocate
for the insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Rajesh Kumar in a motor vehicular accident that took place on 12.09.2012.

The Tribunal has awarded compensation of Rs.11,12,400/- (rounded of to Rs.11,12,000/-), detailed hereunder:-

1. Monthly income of the deceased	Rs.5800/-
2. Multiplier	17
3. Deduction for personal expenses	1/4 th
4. Loss of dependency	Rs.8,87,400/-
5. Expenses on funeral	Rs.25,000/-
6. Loss of consortium	Rs.1,00,000/-

7. Loss of care and guidance Rs.1,00,000/-

Counsel for the insurance company would state that compensation awarded under conventional heads is liable to be restricted to Rs.70,000/- in the light of latest 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 the claimants who were earlier being represented by a counsel.

The Tribunal has assessed income of the deceased at Rs.5800/- per month by treating him as a daily wager. There is no evidence on record with regard to avocation and income of the deceased. As such, there is no justification for enhancement of income of the deceased. The Tribunal has rightly applied multiplier of 17 and deduction of 1/4th for personal expenses. However, claimants shall be entitled to increase in income for future prospects @ 40%. In this manner, loss of dependency comes to Rs.12,42,360/- (Rs.5800 x 12 x 17) + (40% future prospects) – (1/4th deduction for personal expenses).

Under conventional heads, compensation awarded by the Tribunal is modified to the effect that 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.13,12,360/- and the additional

amount is Rs.1,99,960/- (13,12,360 – 11,12,400), payable with interest @7.5% per annum from the date of petition till realization to widow of the deceased.

The appeal is partly allowed in the aforesaid terms.

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

19.02.2018
ashok

(REKHA MITTAL)
JUDGE

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