

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

-.-

FAO 7266 of 2016 (O&M)
Date of decision: 07.08.2018

Gyarshi Devi Appellant

Versus

Ranbir Singh and others Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. J P Sharma, Advocate
for the appellant

Mr. Punit Jain, Advocate
for the insurance company

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Rekha Mittal, J. (Oral)

CM 24888 CII of 2016

Prayer in this application is for condonation of delay of 05 days in filing the appeal.

In view of averments made in the application supported by an affidavit of the applicant and arguments advanced, the application is allowed and delay of 05 days in filing the appeal stands condoned.

Main case

The claimant is in appeal seeking enhancement of compensation on account of death of Munshi Ram alias Munshi Lal in a motor vehicular accident that took place on 08.09.2014.

The Tribunal has awarded compensation of Rs.15,01,377.00 (rounded off to Rs.15,01,400.00), detailed hereunder:-

Monthly income of the deceased	Rs.4,800.00
Deduction for personal expenses	1/3 rd
Multiplier	11
Loss of dependency	Rs.4,22,400.00
Loss of consortium	Rs.25,000.00
Expenses of transportation and last rites	Rs.20,000.00
Medical expenses	Rs.10,33,977.00

The sole submission made by counsel for the appellant is that the Tribunal has not allowed benefit of addition in income for future prospects and compensation allowed under conventional heads needs enhancement.

When the case is examined in the light of latest judgment of Hon'ble the Supreme Court ***National Insurance Company Limited v. Pranay Sethi and others, 2017 SC 1270***, claimant shall be entitled to benefit of increase in income for future prospects at the rate of 10%. In this view of the matter, loss of dependency is calculated at Rs.4,64,640.00 (Rs.6,33,600.00 i.e. 4,800 x 12 x 11 + Rs.63,360.00 (10% addition in income) – Rs.2,32,320.00 (1/3rd deduction)).

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that claimant shall be entitled to Rs.70,000.00, detailed hereunder:-

Loss of consortium to widow	Rs.40,000.00
Expenses of funeral and last rites	Rs.15,000.00
Loss of estate	Rs.15,000.00

Total compensation comes to Rs.15,68,617.00 (Rs.4,64,640.00 + Rs.70,000.00 + Rs.10,33,977.00) and additional amount is Rs.67,217.00 (Rs.15,68,617 - Rs.15,01,400.00), payable with interest at the rate of 7.5% per annum from the date of petition till realization.

The appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

07.08.2018
mohan bimbura

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