

FAO No.7616 of 2016 (O&M)
Date of decision: 08.08.2018

... Appellants

... Respondents

Mr. Gopal Mittal, Advocate for the insurance company.

The claimants are in appeal seeking enhancement of compensation on account of death of Darshan Singh @ Mangu in a motor vehicular accident that took place on 22.07.2015.

The Tribunal has awarded compensation of Rs.7,88,000/-,
detailed hereunder:-

1. Monthly income of the deceased	Rs.4500/-
2. Multiplier	16
3. Deduction for personal expenses	1/4 th
4. Loss of dependency	Rs.6,48,000/-
5. Expenses on funeral	Rs.25,000/-
6. Loss of estate	Rs.5000/-
7. Loss of consortium	Rs.1,00,000/-
8. Loss of love and affection	Rs.10,000/-

Counsel for the claimants would urge that income of the deceased assessed by the Tribunal is on lower side. The claimants are

entitled to addition in income for future prospects.

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

The Tribunal has assessed income of the deceased at Rs.4500/- per month. Taking a clue from minimum wage available at the relevant time, income of the deceased is assessed at Rs.7000/- per month. Claimants shall be entitled to addition in income for future prospects @40%. The multiplier adopted by the Tribunal is affirmed and deduction for personal expenses would be 1/3rd. In this manner, loss of dependency is calculated at Rs.12,54,400/- [(Rs.7000 x 12 x 16) + (40% future prospects) – (1/3rd deduction for personal expenses)].

Under conventional heads, compensation allowed 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.13,24,400/- and the additional amount is Rs.5,36,400/- (13,24,400 – 7,88,000), payable with interest @7.5% per annum from the date of petition till realization, in terms of award passed by the Tribunal.

Disposed of, accordingly.

08.08.2018

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No