

FAO No.7927 of 2016 (O&M)
Date of decision: 08.08.2018

... Appellants

... Respondents

Mr. Gopal Mittal, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

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

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.6000/- per month. Deduction for personal expenses and multiplier allowed by the Tribunal are affirmed. In this manner, loss of dependency is calculated at Rs.2,40,000/- [(Rs.6000 x 12 x 5) – (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.3,10,000/- and compensation awarded by the Tribunal is reduced to the extent of Rs.10,000/- (3,20,000 – 3,10,000). However, the insurance company shall not recover the excess amount, if already paid.

Disposed of, accordingly.

08.08.2018
ashok

(REKHA MITTAL)
JUDGE

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