

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

258-9

FAO No.7931 of 2016 (O&M)

Date of decision: 28.11.2018

Paramjit Kaur and others

... Appellants

Versus

Surjit Singh and others

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Sanjeev Goyal, Advocate for the claimants.

Mr. Gopal Mittal, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Darshan Singh in a motor vehicular accident that took place on 23.07.2015.

The Tribunal has awarded compensation of Rs.8,45,000/-, detailed hereunder:-

1. Notional income of the deceased	Rs.10,000/- (per month)
2. Multiplier	9
3. Deduction for personal expenses	1/3 rd
4. Loss of dependency	Rs.7,20,000/-
5. Expenses on funeral	Rs.25,000/-
6. Loss of consortium	Rs.1,00,000/-

The Tribunal has assessed notional income of the deceased at Rs.10,000/- per month. The deceased was owner of land measuring approximately 3/4 acres. There is no justification for increase in income of the deceased when value of loss of his services is kept in view. However, claimants shall be entitle to addition in income for future prospects @ 10%. Multiplier and deduction for personal expenses allowed by the Tribunal are correct and affirmed. In this manner, loss of dependency is calculated at Rs.7,92,000/- [(10,000 x 12 x 9) + (10% future prospects) – (1/3rd deduction for personal expenses)].

The Tribunal has awarded a sum of Rs.1,25,000/- under

conventional heads and the same is affirmed.

Total compensation is Rs.9,17,000/- and the additional amount is Rs.72,000/- (9,17,000 - 8,45,000), 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.

28.11.2018

ashok

(REKHA MITTAL)
JUDGE

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