

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

275

FAO-8040-2016 (O&M)

Date of decision: 10.12.2018

GUDDI AND ANR

... Appellants

Versus

BHOGENDER JHA AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Jitender Dhanda, Advocate for the appellants.
Mr. Satpal Dhamija, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Parveen in a motor vehicular accident that took place on 11.07.2013.

Mr. Satpal Dhamija, Advocate has caused appearance on behalf of the insurance company.

The Tribunal has awarded compensation of Rs.7,76,000/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.7000/-
2. Multiplier	14
3. Deduction for personal expenses	50%
4. Loss of dependency	Rs.5,88,000/-
5. Expenses on funeral and transportation	Rs.25,000/-
6. Loss of love and affection	Rs.1,00,000/-
7. Costs of litigation	Rs.25,000/-
8. Expenses on medical treatment	Rs.38,000/-

The Tribunal has held that the deceased was a student of MCOECS of ITI, Nalwa and accordingly assessed his income at Rs.7000/- per month. When the case is examined in the light of minimum wage at the relevant time coupled with educational qualification of the deceased, there is no justification for enhancement of income of the deceased. Claimants shall be entitle to addition in income for future prospects @ 40%. Deduction for personal expenses allowed by the Tribunal is correct and

affirmed.

The deceased was born on 10.01.1991, thus, slightly more than 22 years old at the time of unfortunate occurrence. In view of judgments of Hon'ble the Supreme Court **Sarla Verma & Ors vs Delhi Transport Corp.& Anr, 2009 (3) RCR (Civil) 77, Munna Lal Jain and anr. vs. Vipin Kumar Sharma and ors., 2015 (3) SCC (Civil) 315 and National Insurance Company Limited Vs. Pranay Sethi and Ors., 2017 SCC 1270**, admissible multiplier would be 18. In this manner, loss of dependency is calculated at Rs.10,58,400/- [(7000 x 12 x 18) + (40% future prospects) – (50% deduction for personal expenses)].

Under conventional heads, claimants shall be entitle to Rs.1,10,000/-, detailed hereunder:-

1. Loss of consortium to both the claimants	Rs.80,000/- (Rs.40,000/- each)
2. Expenses on last rites	Rs.15,000/-
3. Loss to estate	Rs.15,000/-

Compensation qua medical expenses and costs of litigation allowed by the Tribunal is affirmed. In this manner, total amount payable to the claimants is Rs.12,31,400/- and the additional amount is Rs.4,55,400/- (12,31,400 - 7,76,000), which shall carry interest @ 7.5% per annum from the date of petition till realization, to be paid to mother of the deceased, to be invested in fixed deposit for a period of two years.

The appeal is partly allowed in the aforesaid terms.

(REKHA MITTAL)
JUDGE

10.12.2018
ashok

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