

In the High Court of Punjab and Haryana at Chandigarh

FAO- 4199 of 2017(O&M)
Date of Decision: 17.10.2018

Karmte Begam

---Appellant

versus

Ram Lal and another

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Ms. Sakshi Saini, Advocate
for Mr. HPS Ishar, Advocate
for the appellant

Rekha Mittal, J.

Mr. Manmohan Singh, Advocate, has caused appearance on behalf of the insurance company.

The claimant is in appeal seeking enhancement of compensation on account of death of Shah Ali in a motor vehicular accident that took place on 8.3.2014.

The Motor Accidents Claims Tribunal, Ferozepur (in short “the Tribunal”) has awarded compensation of Rs.7,22,000/-, detailed hereunder:-

Monthly income of the deceased	Rs. 6000/-
Deduction for personal expenses	1/3 rd
Multiplier	18 but applied 14 for calculation
Loss of dependency	Rs. 6,72,000/-
Funeral expenses	Rs. 25,000/-
General damages and loss of estate	Rs. 25,000/-

Claimant shall be entitle to addition in income for future

prospects @ 40% in the light of judgment of Hon'ble the Supreme Court

National Insurance Company Limited vs. Pranay Sethi and others

2017 SCC 1270. Admissible multiplier would be 18 on the basis of age of the deceased who was less than 25 years. In this context, reference can be made to judgments of Hon'ble the Supreme Court **Smt.Sarla Verma and others vs. Delhi Transport Corporation and another 2009 ACJ 1298, Munna Lal Jain vs. Vipin Kumar Sharma 2015(3) RCR (Civil) 447** and **Pranay Sethi and others' case (supra).**

The application for compensation has been filed by mother of the deceased. Admissible deduction for personal expenses would be 50%. In this manner, loss of dependency is calculated at Rs.9,07,200/- [6000 x 12 x 18 = 12,96,000+5,18,000 (40%)= 18,14,400-9,07,200(50%)].

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that the claimant shall be entitle to Rs. 70,000/-, detailed hereunder:-

Loss of consortium to mother	Rs. 40,000/-
Expenses on funeral	Rs. 15,000/-
Loss of estate	Rs. 15,000/-

Total compensation is Rs. 9,77,200/- and the additional amount is Rs. 2,55,200/- (9,77,200-7,22,000), payable with interest @ 7.5% per annum from the date of petition till realization.

The appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

17.10.2018

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No