

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

FAO No.504 of 2017 (O&M)

Date of decision: 22.10.2018

Karamjit Kaur and others

... Appellants

Versus

Surjit Singh and others

... Respondents

**CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL**

Present : None for the claimants.

Mr. Gopal Mittal, Advocate for the insurance company.

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**REKHA MITTAL, J. (Oral)**

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

The Tribunal has awarded compensation of Rs.10,77,000/-, detailed hereunder:-

|                                    |                   |
|------------------------------------|-------------------|
| 1. Monthly income of the deceased  | Rs.7000/-         |
| 2. Multiplier                      | 17                |
| 3. Deduction for personal expenses | 1/3 <sup>rd</sup> |
| 4. Loss of dependency              | Rs.9,52,000/-     |
| 5. Loss of consortium to widow     | Rs.1,00,000/-     |
| 6. Funeral expenses                | Rs.25,000/-       |

Claimants shall be entitle to addition in income for future prospects @ 40%. Multiplier applied by the Tribunal is correct and affirmed.

As the application for compensation has been filed by the widow, two minor children and parents of deceased, deduction for personal expenses would be 1/4<sup>th</sup>. In this manner, loss of dependency is calculated at Rs.14,99,400/- [(Rs.7000 x 12 x 17) + (40% future prospects) – (1/4<sup>th</sup> deduction for personal expenses)].

Under conventional heads, compensation allowed by the

Tribunal is modified to the effect that claimants shall be entitle to Rs.1,50,000/-, detailed hereunder:-

|                                                                   |                                     |
|-------------------------------------------------------------------|-------------------------------------|
| 1. Loss of consortium to widow and minor children of the deceased | Rs.1,20,000/-<br>(Rs.40,000/- each) |
| 2. Loss to estate                                                 | Rs.15,000/-                         |
| 3. Funeral expenses                                               | Rs.15,000/-                         |

Total compensation is Rs.16,49,400/- and the additional amount is Rs.5,72,400/- (16,49,400 - 10,77,000), payable with interest @7.5% per annum from the date of petition till realization, to be shared by widow and minor children of the deceased in the ratio 30:35:35. The amount falling to share of minors shall be invested in fixed deposit payable on their attaining age of majority or for a period of three years, whichever is later.

The appeal is partly allowed in the aforesaid terms.

22.10.2018

ashok

(REKHA MITTAL)  
JUDGE

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