

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

FAO No.505 of 2017 (O&M)

Date of decision: 22.10.2018

Gurmail 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.

REKHA MITTAL, J. (Oral)

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

The Tribunal has awarded compensation of Rs.7,81,000/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.7000/-
2. Multiplier	18
3. Deduction for personal expenses	50%
4. Loss of dependency	Rs.7,56,000/-
5. Expenses on funeral/last rites	Rs.25,000/-

I have gone through findings of the Tribunal recorded in para 13 and found that there is no justification for increase in income of the deceased and accordingly, income assessed by the Tribunal is affirmed. Claimants shall be entitle to addition in income for future prospects @ 40%. Multiplier applied by the Tribunal is correct and affirmed and so also the deduction for personal expenses to the extent of 50%. In this manner, loss of dependency is calculated at Rs.10,58,400/- [(Rs.7000 x 12 x 18) + (40% future prospects) – (50% deduction for personal expenses)].

Under conventional heads, claimants shall be entitle to Rs.1,50,000/-, detailed hereunder:-

1. Loss of consortium to the claimants	Rs.1,20,000/- (Rs.40,000/- each)
2. Loss to estate	Rs.15,000/-
3. Funeral expenses	Rs.15,000/-

Total compensation is Rs.12,08,400/- and the additional amount is Rs.4,27,400/- (12,08,400 – 7,81,000), payable with interest @7.5% per annum from the date of petition till realization, to mother of the deceased.

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