

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

FAO No.5122 of 2017

Date of Decision:-16.3.2018

Smt. Amandeep Kaur and others

...Appellants

Versus

Ajam Ali and others

...Respondents

CORAM:- HON'BLE MRS. JUSTICE REKHA MITTAL

Present:- Mr. Saurabh Kapoor, Advocate for
Mr. Ashit Malik, Advocate
for the appellants.

Mr. Ajay Kumar Kansal, Advocate
for respondents No.1 and 2.

Mr. Punit Jain, Advocate
for respondent No.3-insurance company.

REKHA MITTAL J.(Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Jaswinder Singh in a motor vehicular accident that took place on 14.4.2015.

The Tribunal has awarded compensation of Rs.13,68,000/-,
detailed hereunder :-

- | | |
|------------------------------------|-------------------|
| 1. Monthly income of the deceased | Rs.8000/- |
| 2. Multiplier | 17 |
| 3. Deduction for personal expenses | 1/3 rd |

4. Loss of dependency	Rs.10,88,000/-
5. Loss of consortium	Rs.1,00,000/-
6. Loss of love and affection to minor daughter and mother	Rs.1,00,000/- (Rs.50,000/-each)
7. Loss of love and affection to father	Rs.50,000/-
8. Expenses on last rites	Rs.25,000/-
9. Loss of estate	Rs.5,000/-

Counsel for the appellants has fairly informed that plea of the claimants for enhancement of the compensation survives only qua benefit of increase in income for future prospects @ 40% in the light of the latest judgment of Hon'ble the Supreme Court **National Insurance Company Limited vs. Pranay Sethi and others, 2017 SCC 1270.**

Counsel representing the insurance company would argue that compensation allowed under conventional heads needs to be restricted to Rs.70,000/- in the light of the judgment in **Pranay Sethi and others** case (supra).

The claimants shall be entitled to benefit of increase in income for future prospects @ 40%. In this manner, loss of dependency comes to Rs.15,23,200/- [(Rs.16,32,000/-) $8000 \times 12 \times 17 + 40\%$ thereof (Rs.6,52,800/-) - $\frac{1}{3}$ rd (Rs.7,61,600/-)]. Under conventional heads, compensation awarded by the Tribunal is modified and the claimants are entitled to Rs.70,000/-, detailed hereunder :-

Loss of consortium	Rs.40,000/-
Loss of estate	Rs.15,000/-

Funeral Expenses Rs.15,000/-

Total compensation is Rs.15,93,200/- and additional amount of Rs. 2,25,200/- is payable with interest of 7.5% per annum from the date of petition till realization to minor daughter of the deceased to be invested in a Fixed Deposit till she attains the age of majority or for a period of 3 years, whichever is later. The interest accruing thereon shall be payable to guardian of the minor for meeting expenses on her education and living.

The appeal is partly allowed in the aforesaid terms.

March 16, 2018
Vijay Asija

(**REKHA MITTAL**)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No