In the High Court of Punjab and Haryana at Chandigarh

FAO No. 6945 of 2017(O&M)
Date of Decision: 20.4.2018

IFFCO TOKIO General Insurance Company Limited

---Appellant

versus

Prito Devi and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Yogesh Gupta, Advocate
for the appellant

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Rekha Mittal, J.

The present appeal directs challenge against award dated 11.5.2017 passed by the Motor Accidents Claims Tribunal, Kurukshetra (in short "the Tribunal") whereby compensation has been awarded on account of death of Hakam Singh in a motor vehicular accident that took place on 14.5.2016.

The Tribunal has awarded compensation of Rs. 11,06,600, detailed hereunder:-

Monthly income of the deceased	Rs. 8,000/-
Addition in income for future prospects	30%
Deduction for personal expenses	1/3rd
Multiplier	13
Loss of dependency	Rs. 10.81.600/-
Expenses on funeral	Rs. 25,000/-

Counsel for the appellant would urge that as the application for compensation was filed by mother of the deceased, deduction for personal expenses should be 50% in the light of judgment of Hon'ble the Supreme Court **Smt.Sarla Verma and others vs. Delhi Transport Corporation and another 2009 ACJ 1298**. The Tribunal has allowed increase in income for future prospects @ 30% but the same is required to be 25% in the light of latest judgment of Hon'ble the Supreme Court **National Insurance Company Limited vs. Pranay Sethi and others 2017 SCC 1270.** Compensation for funeral expenses should be 15,000/- in the light of **Pranay Sethi and others' case (supra).**

Vide order dated 20.11.2017, notice of motion was issued only to the claimant. She has failed to cause appearance despite service, therefore, there is no contest to the appeal preferred by the insurance company.

Contentions raised by counsel for the appellant with regard to deduction for personal expenses and increase qua future prospects is meritorious in the light of judgments relied upon by him. Similarly, claimant is entitled to funeral expenses to the tune of **Rs. 15,000/-** in the light of judgment in **Pranay Sethi and others' case (supra).** However, the claimant shall be entitled to an amount of **Rs. 15,000/-** for loss to estate as well. In this view of the matter, loss of dependency comes to **Rs. 7,80,000/-** [8000x12x13=12,48,000 + 3,12,000(25%) = 15,60,000 -7,80,000(50%)].

Total compensation is Rs.8,10,000/- and compensation awarded by the Tribunal is reduced to the extent of **Rs. 2,96,600/-** (8,10,000-11,06,600). The insurance company shall be entitled to recover the excess amount (if already paid) by filing an appropriate application before the Tribunal.

The appeal stands disposed of in the aforesaid terms.

(Rekha Mittal)
Judge

20.4.2018
PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No