IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
-.-

FAO 8630 of 2017 (O&M)
Date of decision: 17.12.2018

Chinto *....Appellant*

versus

Surinder Singh and others *....Respondents*

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present : Mr. Namit Khurana, Advocate
for the appellant

Mr. Satpal Dhamija, Advocate
for the insurance Company
-.-

Rekha Mittal, J. (Oral)

The claimant is in appeal seeking enhancement of compensation on account of death of Jasvinder Singh in a motor vehicular accident that took place on 19.07.2015.

The Tribunal has awarded compensation of Rs.5,18,000.00, detailed hereunder:-

Monthly income of the deceased	Rs.6,000.00
Deduction for personal expenses	50%
Multiplier	13
Loss of dependency	Rs.4,68,000.00
Funeral expenses	Rs.25,000.00
Loss to estate	Rs.25,000.00

The claimant shall be entitle to addition in income for future prospects at the rate of 40% in the light of judgment of Hon'ble the Supreme Court ***National Insurance Company Limited v. Pranay Sethi and others, 2017 SC 1270***. The deceased was 24 years old but the Tribunal has applied multiplier of 13 on the basis of age of parents of the deceased. The admissible multiplier on the basis of age of the deceased would be 18. In this context, reference can be made to judgments of Hon'ble the Supreme Court ***Smt. Sarla Verma and others v. Delhi Transport Corporation and another*, *(2009) 6 SCC 121, Munna Lal Jain and anr. vs. Vipin Kumar Sharma and Ors., 2015 (3) SCC (Civil) 315 and National Insurance Company Limited v. Pranay Sethi and others, 2017 SC 1270.*** In view of the above, loss of dependency is calculated at Rs.9,07,200.00 (Rs.12,96,000.00 i.e. 6,000 x 12 x 18 + Rs.5,18,400.00 (40% addition) – Rs.9,07,200.00 (50%deduction))

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that claimant shall be entitle to Rs.30,000.00, detailed hereunder:-

Funeral expenses	Rs.15,000.00
Loss to estate	Rs.15,000.00

Total compensation is Rs.9,37,200.00 and additional amount is Rs.4,19,000.00, payable with interest @ 7.5% per annum from the date of petition till realization, to be invested in fixed deposit for a period of three years.

The appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

17.12.2018
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