237 RA-CR-185-CII-2017 in FAO-2757-2012

SMT. ARCHANA GUPTA AND ORS. V. GURMEET SINGH AND ORS.

Present: Mr. Rajbir Singh, Advocate,
for applicant-respondent No.3-Insurance Company.

Mr. Akashdeep Singh, Advocate,
for non-applicants-appellants.

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This is an application filed under Order XLVII Rule 1 of CPC as amended read with Section 151 CPCP for reviewing of order dated 25.05.2017 passed in FAO No.2757 of 2012, vide which an amount of Rs.36,33,280/- was enhanced by this Court from amount already awarded to the appellants on account of death of Sanjeev Kumar, who died in motor vehicular accident on 24.12.2010.

Counsel for applicant-respondent No.3-insurance company has contended that while enhancing the amount, inadvertently deduction towards personal expenses from the salary of deceased was not incorporated i.e. ¼ and after making the deduction of ¼, the dependency of claimants/applicants comes out to Rs.4,00,140 (Rs.5,33,520 x 3/4). Therefore, after applying the multiplier of 14 the compensation comes out to Rs.56,01,960/- (Rs.4,00,140 x 14) and further by adding the amount of Rs.2,25,000/- allowed under conventional heads the total amount of compensation comes to Rs.58,26,960/-.

Counsel for the appellants does not dispute the same.

Thus, in view of the ¼ deduction which is to be carried out from the salary of deceased for the personal expenses, dependency of claimants comes out as under:-

After making the deduction of of ¼ the dependency of claimants/applicants comes out to Rs.4,00,140 (Rs.5,33,520 x 3/4). Therefore after applying the multiplier of 14 the compensation comes to Rs.56,01,960/- (Rs.4,00,140 x 14) and further by adding the amount of Rs.2,25,000/- allowed under conventional heads the total amount of compensation comes to Rs.58,26,960/-.

Particulars	By the Tribunal	By this Court	Compensation after deducting the personal expenses, which is sought under this review
Monthly income awarded by Tribunal	38283/-approx.-38000/-	Rs.38000/-	Rs.38,000/-
Addition of future prospect	30% of 38000=11400 i.e. (38000+11400)=49400/-	30% of 38000=11400 i.e. (38000+11400)=49400/-	30% of 38000=11400 i.e. (38000+11400)=49400/-
Annual income	49400x12=592800/-	49400x12=592800/-	49400x12=592800/-
Tax deduction	-30% of 592800-177840 i.e. 414960	10% of total annual income=592800-59280=533520/-	10% of total annual income=592800-59280=533520/-
Personal expenditure	¼ of 414960=103740 i.e. (414960-103740)=311220/-	------	5,33,520 less ¼ Rs.5,33,520 X 3/4=Rs.4,00,140/-
Multiplier applied	311220 x13 =4045860/- approx. 4046000/-	5,33,520X14 =7469,280/-	4,00,140x14= 56,01,960/-
Funeral expenses	5000/-	25,000/-	25,000/-
Consortium	10000/-	100,000/-	1,00,000/-
Love and affection	-----	1,00,000/-	1,00,000/-
Total	4046000+5000+ 10000=4061000/-	7469,280+2,25,000= 76,94,280	58,26,920/-
Less already awarded	----	40,61,000	40,61,000/-
Enhanced compensation	----	36,33,280	1765,960/-

With the above calculation, total enhancement comes out to Rs.17,65,960/- instead of 36,33,280/- and judgment is modified accordingly. Payment be made within a period of one month from the date of passing of order.

Application stands disposed of.

OCTOBER 08, 2018 **(JASPAL SINGH)**
sonika **JUDGE**