

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

**RA No.3-CII of 2018 in
FAO No. 1964 of 2002
Date of Decision:-09.03.2018**

Sushma Rani and others

...Applicants-Appellants

Versus

Gurmukh Singh and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present:- Mr. Satyavir Singh Yadav, Advocate
for the applicants-appellants.

Mr. Aseem Aggarwal, Advocate
for respondent No.3-Insurance Company.

AVNEESH JHINGAN J.(Oral)

This application has been filed seeking review of order dated 12.12.2017 passed in FAO No.1964 of 2002. The amount awarded by the Tribunal was enhanced by Rs.2,13,080/-. Rs.70,000/- was awarded under the conventional heads and 40% future prospects were added.

The counsel for the applicants-appellants states that the deceased was survived by four dependents and therefore, 1/4th deduction for self-expenses should have been made, whereas, the Tribunal has made

deduction of Rs.700/- from the monthly earning of Rs.2500/- which is more than 1/4th.

The contention raised by learned counsel for the applicants-appellants is covered by the decision rendered by the Supreme Court in **Smt. Sarla Verma and others vs. Delhi Transport Corporation and another 2009 (6) SCC 121.**

Learned counsel appearing for the insurer of the offending vehicle could not raise any serious objection in view of the settled position of law.

As per the said decision in **Sarla Verma's** case (supra), where the deceased is survived by 4 to 6 dependents, 1/4th deduction for self-expenses is to be made. The loss of dependency is re-calculated by taking 1/4th deduction for self-expenses. The order dated 12.12.2017 is modified to the extent that calculation of enhancement is made as below :-

Annual earning	Rs.30,000/-
Future Prospects @ 40%	Rs.12,000/-
Total	Rs.42,000/-
¼ deduction for self-expenses	Rs.10,500/-
Dependency	Rs.31,500/-
Multiplier Applied 17	Rs.5,35,500/-
Funeral Expenses	Rs.15,000/-
Loss of Estate	Rs.15,000/-
Loss of consortium	Rs.40,000/-
Total	Rs.6,05,500/-
Already awarded	Rs.3,71,000/-
Enhanced amount	Rs.2,34,500/-

The application is allowed. The order dated 12.12.2017 is

modified to the extent that the amount awarded by the Tribunal is enhanced
by Rs.2,34,500/- instead of Rs.2,13,080/-.

March 09, 2018
Vijay Asija

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No