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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

SANJIV KUMAR SHARMA
2019.07.16 17:35
I attest to the accuracy and
authenticity of this document

FAO-1497-1995

Date of decision : 15.7.2019

Kamla Rani and others

..... Appellants

Versus

Karam Chand and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. O.P. Hoshiarpuri, Advocate,
for appellants.

Mr. Suvir Dewan, Advocate,
for respondent No. 4.

Mr. Aayush Goyal, Advocate, for,
Mr. Vishal Aggarwal, Advocate,
for respondent No. 5.

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KULDIP SINGH J. (ORAL)

Parveen Kumar Dogra was member of marriage party which was returning to Jalandhar on 11.5.1992 in maruti car No. PB -07-7576 when it was hit by an offending truck No. PBN-6769, near Phangoli chowk. As a result of accident, 3 persons riding maruti car died. Parveen Kumar Dogra was one of them. Parveen Kumar Dogra was 23 years of age at the time of accident and was partner in a firm and getting income of Rs. 2000/- pm. Tribunal awarded Rs. 300000/- compensation to claimants who were parents and brothers of deceased. Claimants being not satisfied with said compensation have come up in appeal.

I have heard learned counsel for parties and have also carefully gone through file.

It comes out that deceased was working in a firm and having income of Rs. 2000/- per month. As per National Insurance Co. Ltd. Versus Pranay Sethi, (2017) 16 SCC 680, 40% are to be added on account of future prospects i.e. Rs. 800/-. Total income of deceased comes to Rs. 2800/-.

I am of view that brothers were not dependent on deceased, therefore, compensation is to be paid to parents only. Since deceased was bachelor, 50% is to be deducted as personal expenses. Dependency comes to Rs. 1400/-. The multiplier of 18 is to be applied. Total compensation comes to Rs. 302400/- i.e. 1400 x 12 x 18. Rs. 70000/- on account of conventional heads. Total amount of compensation comes to Rs. 372400/-. Enhanced compensation will be paid by insurance company alongwith 7.5% per annum interest to parents from date of filing of claim petition.

(KULDIP SINGH)
JUDGE

15.7.2019
sjks

Whether speaking order	:	Yes / No
Whether reportable	:	Yes / No