

KUSUM LATA AND ORS V/S RAJESH KUMAR AND ANR

Present: Mr.Punit Jain, Advocate
for the applicant-respondent No. 2.

It is submitted that due to a typographical error, it is mentioned in decision dated 25.02.2019 that multiplier of 18 is being applied, whereas it should be 14 and in respect to the funeral expenses and loss of estate, compensation of ₹75,000/- is mentioned whereas it should be ₹30,000 i.e. ₹15,000/- each. In terms of judgment of the Hon'ble Supreme Court in **Vimla Devi and others v. National Insurance Company Ltd. and anr., 2019(1) RCR(Civil) 86**, a sum of ₹1,00,000/- was directed to be awarded as loss of consortium (spousal and parental) but a sum of ₹40,000/- in addition has been mentioned as loss of consortium to appellant No. 1.

Notice of the application.

Mr. Sudhanshu Sharma, Advocate for Mr. Himanshu Sharma, Advocate accepts notice on behalf of non-applicant/appellants.

Learned counsel for the non-applicant is unable to deny that the said typographical error has indeed crept in order dated 25.02.2019. Necessary corrections are, thus, required to be effected.

Para 3 on page 3 of judgment dated 25.02.2019 shall, accordingly, read as under:-

“ There is no dispute regarding death of Subhash Chand in the manner as claimed. There is further no dispute regarding the income of the deceased as assessed by the learned Tribunal. Subhash Chand (deceased) was admittedly 44 years old at the time of the accident. In terms of the judgment of Hon'ble Supreme Court in ***National Insurance Company Limited v. Pranay Sethi and others, 2017(16) SCC 680***, 25% increment is

afforded for future prospects. Deduction of 1/4th was correctly effected by learned Tribunal. Multiplier of 14 was also correctly applied by learned Tribunal. The appellants are entitled to a sum of Rs.15,000/- each on account of funeral expenses and loss of estate (instead of Rs.25,000/- awarded on account of funeral expenses). Appellant No.1-widow and appellants No. 2 to 5 are entitled to a sum of Rs.1,00,000/- on account of loss of consortium (spousal and parental) in terms of judgment of the Hon'ble Supreme Court in **Vimla Devi and others v. National Insurance Company Ltd. and anr., 2019 (1) RCR(Civil) 86.**”

Accordingly, the table on page 4 of the judgment shall read as under:-

<i>Sr. No.</i>	<i>Heads of Claim</i>	<i>Amount</i>
1.	Income	₹8000/- per month
2.	1/4 th deducted as personal expenses	8000-2000 = ₹6000/-
3.	Future prospects (25%)	₹7500
4.	Total dependancy after applying the multiplier of 14	7500x12x14 = ₹12,60,000/-
5.	Loss of funeral expenses	₹15,000/-
6.	Loss of Estate	₹15,000/-
7.	Loss of consortium (as per judgment of Vimal Devi Vs. NIC)	₹1,00,000/-
	Total	₹13,90,000/-

Claimants are thus, entitled to total compensation of ₹13,90,000/- and not ₹18,35,000/-.

Rest of the decision dated 25.02.2019 shall remain intact. This order shall form part of decision dated 25.02.2019.

Application is, accordingly, disposed of.

March 27, 2019
rts

(Lisa Gill)
Judge