IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

204 FAO-1924-2001 (O&M)

Date of decision: 22.10.2019

LAKH CHARANJIT AND ORS ... Appellants

Versus

PIARA SINGH AND ORS ... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : None for the appellants.
Mr. Deepak Suri, Advocate for the insurance company.
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REKHA MITTAL, J. (Oral)

Counsel for the insurance company would apprise the Court that Sh. Rajnish Narula, Advocate who has filed the appeal on behalf of the claimants has since passed away.

The claimants are in appeal seeking enhancement of compensation on account of death of Santosh Rani in a motor vehicular accident that took place on 25.11.1995, in application filed under Section 163-A of the Motor Vehicles Act, 1988 (in short 'the Act').

The Tribunal awarded Rs.1,18,200/-, detailed hereunder:-

Monthly income of the deceased	Rs.1200/-
Multiplier	12
Deduction for personal expenses	1/3rd
Loss of dependency	Rs.1,15,200/-
Expenses on funeral	Rs.3000/-

The plea of claimants is that deceased was working in Rishi Study Circle at salary of Rs.1200/- per month and accordingly income of the deceased was assessed at Rs.1200/- per month. No addition in income for future prospects is allowed as claim has been filed under Section 163-A of the Act. Deduction for personal expenses allowed by the Tribunal is correct and affirmed. As the deceased was 45 years old, admissible multiplier is 15. In this manner, loss of dependency qua income of the deceased is calculated at Rs.1,44,000/- [(1200 x 12 x 15) – (1/3rd deduction for personal expenses)].

The deceased left behind family consisting of her husband and two daughters, one major and the other minor. Even if the deceased was working in a school, in absence of evidence that she was not rendering services to the family, loss of her services to the family is assessed at Rs.800/- per month. There will be deduction of 1/3rd for personal and living expenses of the deceased. After applying multiplier of 15, loss of dependency in this regard is calculated at Rs.96,000/- [(800 x 12 x 15) – (1/3rd deduction for personal expenses)]. In view of the above, loss of dependency is calculated at Rs.2,40,000/- (1,44,000 + 96,000)

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that claimants shall be entitle to Rs.9500/-, detailed hereunder:-

1. Loss of consortium	Rs.5000/-
2. Loss of estate	Rs.2500/-
3. Funeral expenses	Rs.2000/-

Total compensation is Rs.2,49,500/- and additional amount is Rs.1,31,300/- (2,49,500 - 1,18,200), payable with interest @ 7% per annum from the date of petition till realization, to husband of the deceased.

The appeal is partly allowed in the aforesaid terms. A copy of the judgment be sent to the claimants for realization of the additional compensation.

22.10.2019 **(REKHA MITTAL)**
ashok **JUDGE**

Whether speaking/reasoned: Yes / No
Whether reportable: Yes / No