

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

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FAO No.2131 of 2001 (O&M)

Date of decision: 30.01.2019

SURINDER KAUR AND ORS.

... Appellants

Versus

RAJINDER SINGH AND ORS.

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Ajaivir Singh, Advocate for the appellants.
Mr. Anupam Singla, Advocate for respondents No.1 and 2.
Mr. Paul S. Saini, Advocate for respondent No.3.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Kesar Singh in a motor vehicular accident that took place on 18.05.1997.

The Tribunal has awarded compensation of Rs.2,01,000/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.1500/-
2. Multiplier	16
3. Deduction for personal expenses	1/3 rd
4. Loss of dependency	Rs.1,92,000/-
5. Expenses on cremation and last rites	Rs.3000/-
6. Loss of consortium	Rs.6000/-

Claimants shall be entitle to addition in income for future prospects @ 40%. The application for compensation has been filed by the widow, two minor sons and parents of the deceased. Even if father of the deceased is held to be not dependent upon his earning, admissible deduction for personal expenses would be 1/4th. The deceased was 29 years old at the time of occurrence and admissible multiplier is 17. In this manner, loss of dependency is calculated at Rs.3,21,300/- [(1500 x 12 x 17) + (40% future prospects) – (1/4th deduction for personal expenses)].

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that claimants shall be entitle to Rs.70,000/- in the light of judgments of Hon'ble the Supreme Court

National Insurance Company Limited Vs. Pranay Sethi and Ors., 2017

SCC 1270 and Sebastiani Lakra and others vs. National Insurance Company Limited and another AIR 2018 SC 5034, detailed hereunder:-

1. Loss of consortium	Rs.40,000/-
2. Loss of estate	Rs.15,000/-
3. Funeral expenses	Rs.15,000/-

Total compensation is Rs.3,91,300/- and the additional amount is Rs.1,90,300/- (3,91,300 – 2,01,000), payable with interest @ 7.5% per annum from the date of petition till realization, to claimants No.1 to 3 in equal ratio.

The appeal is partly allowed in the aforesaid terms.

30.01.2019

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No