

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

203

FAO-2360-2007 (O&M)

Date of decision: 22.08.2019

GURMEET KAUR AND ANR.

... Appellants

Versus

JAGRUP SINGH AND ANR.

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Ms. Amandeep Kaur, Advocate for the appellants.
None for respondent No.1.
Mr. Sandeep Suri, Advocate and
Mr. Vinod Gupta, Advocate for respondent No.2.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Varinder Singh in a motor vehicular accident that took place on 03.11.2005.

The Tribunal awarded Rs.4,88,000/- (rounded off to Rs.4,90,000/-), detailed hereunder:-

Monthly income of the deceased	Rs.9000/-
Multiplier	9
Deduction for personal expenses	50%
Loss of dependency	Rs.4,86,000/-
Expenses on funeral	Rs.2000/-

The Tribunal, in para 10 of the award, has noticed that deceased was working and drawing gross salary of Rs.10,150/- per month out which Rs.375/- was house rent, R.450/- rural allowance and Rs.250/- medical allowance. After deducting the aforesaid allowances, monthly income has been assessed at Rs.9000/- per month. Since benefit of aforesaid allowances was available to family of the deceased, the entire salary shall be taken into consideration for computing loss of dependency. In this context, reference can be made to judgments of Hon'ble the Supreme Court **National Insurance Company Ltd. VS. Indira Srivastava and others, 2008(1) RCR (Civil) 359** and **Manasvi Jain VS. Delhi Transport Corporation, 2014(3) RCR (Civil) 313**.

Claimants shall be entitle to addition in income for future prospects @ 50%. Deduction for personal expenses allowed by the Tribunal

is correct and affirmed. However, admissible multiplier is 17, in the light of judgment of Hon'ble the Supreme Court **Sarla Verma & Ors vs Delhi Transport Corp.& Anr, 2009 (3) RCR (Civil) 77**. In this manner, loss of dependency is calculated at Rs.15,52,950/- [(10,150 x 12 x 17) + (50% future prospects) – (50% deduction for personal expenses)].

Under conventional heads, compensation awarded by the Tribunal is modified to the effect that claimants shall be entitle to Rs.30,000/-, detailed hereunder:-

- | | |
|---------------------------|-------------|
| 1. Expenses on last rites | Rs.15,000/- |
| 2. Loss of estate | Rs.15,000/- |

Total compensation is Rs.15,82,950/- and the additional amount is Rs.10,92,950/- (15,82,950 - 4,90,000), payable with interest @ 7.5% per annum from the date of petition till realization, to mother of the deceased, to be invested in fixed deposit for a period of two years.

The appeal is partly allowed in the aforesaid terms.

22.08.2019

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No