

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

-.-

**FAO 428 of 2006 (O&M)**

Date of decision: 28.08.2019

*Alisha and others*

*.....Appellants*

***Versus***

*District Transport Co-op Society and others*

*.....Respondents*

**Coram: Hon'ble Mrs. Justice Rekha Mittal**

-.-

Present: Mr. Gaurav Sharma, Advocate  
for the appellants

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 Yunus Masih in a motor vehicular accident that took place on 02.12.2003.

The Tribunal awarded Rs.7,56,660/-, rounded it off to Rs.7,57,000/-, detailed hereunder:-

|                                  |               |
|----------------------------------|---------------|
| -Monthly income of the deceased  | Rs.7,269/-    |
| -Deduction for personal expenses | 1/3rd         |
| -Multiplier                      | 13            |
| -Loss of dependency              | Rs.7,56,660/- |

Counsel for the appellants has made available copy of document Ex.AW3/1 as records have burnt, perusal whereof would reveal that gross salary of deceased was Rs.9,799/-, out of which Rs.2,530/- i.e.

Rs.2,500/- towards conveyance allowance and Rs.30/- qua GIS were deducted, making carry home salary to the extent of Rs.7,269/- per month. Accordingly, the Tribunal assessed loss of dependency. However, the entire salary of deceased is liable to be taken into consideration for computing loss of dependency. The claimants shall be entitle to addition in income for future prospects @ 50%.

As the deceased was born on 01.05.1968, he was 35 years seven months at the time of occurrence. Since the deceased was less than 36 years at the time occurrence, admissible multiplier would be 16. Deduction for personal expenses allowed by the Tribunal is correct and affirmed. In this manner, loss of dependency comes to Rs.18,81,408/- (Rs.18,81,408/- i.e.  $9,799 \times 12 \times 16$  + Rs.9,40,704 (50% addition) – Rs.9,40,704/- (1/3<sup>rd</sup> deduction).

Under conventional heads, claimants shall be entitle to Rs.70,000.00 (Rs.40,000.00 for loss of consortium, Rs.15,000.00 each qua loss to estate and funeral expenses), admissible in the light of judgments of Hon'ble the Supreme Court *National Insurance Company Limited v. Pranay Sethi and others, 2017 SCC 1270* and *Sebastiani Lakra and others vs. National Insurance Company Limited and another, 2018 AIR (SC) 5034*.

In view of the above, total compensation is Rs.19,51,408/- and additional amount is Rs.11,94,408/- (Rs.19,51,408 – Rs.7,57,000), payable with interest at the rate of 7.5% per annum from the date of petition till realization to widow of deceased, to be invested in fixed deposit for a period of three years.

For the foregoing reasons, the appeal is partly allowed in the aforesaid terms.

**(Rekha Mittal)**  
**Judge**

28.08.2019  
Mohan Bimbura

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