

In the High Court of Punjab and Haryana at Chandigarh

FAO- 10271 of 2014 (O&M)
Date of Decision: 16.9.2019

Shanti Devi and another

---Appellants

versus

Naresh and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. R.S.Dhull, Advocate
for the appellants

Mr. Pawan Kumar, Advocate,
for Mr. Saurabh Arora, Advocate
for respondents No. 1 and 2

Ms. Vandana Malhotra, Advocate
for the insurance company

Rekha Mittal, J.

The claimants are in appeal seeking enhancement of compensation on account of death of Jitender in a motor vehicular accident that took place on 25.6.2013.

The Motor Accidents Claims Tribunal, Kaithal (in short “the Tribunal”)awarded Rs.5,58,200/-, detailed hereunder:-

Monthly income of the deceased	Rs. 4600/-
Multiplier	15
Addition in income for future prospects	30%
Deduction for personal expenses	1/2
Loss of dependency	Rs. 5,38,000/-
Expenses of last rites and transportation of dead body	Rs. 20,000/-

Claimants shall be entitle to addition in income for future prospects @ 40%, in the light of judgment of Hon'ble the Supreme Court **National Insurance Company Limited vs. Pranay Sethi and others 2017 SCC 1270**. Income assessed, deduction for personal expenses and multiplier applied are correct and affirmed. In this manner, loss of dependency is calculated at Rs. 5,79,600/- [4600 x12 x 15 = 8,28,000 + 3,31,200 (40%)= 11,59,200 -5,79,600 ($\frac{1}{2}$)].

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

Expenses on funeral	Rs. 15,000/-
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Loss of estate	Rs. 15,000/-
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Total compensation is Rs. 6,09,600/- and the additional amount is Rs. 51,400/- (6,09,600 - 5,58,200), 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. All other terms and conditions of the award shall remain intact.

The appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

16.9.2019

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No