IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

-.-

FAO 1133 of 2014 (O&M)
Date of decision: 17.12.2019

Sarabjit Kaur and others ....*Appellants*

Versus

Harjinder Singh and others ....*Respondents*

Coram: Hon'ble Mrs. Justice Rekha Mittal

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Present: None for the appellants

Mr. R C Gupta, Advocate
for the insurance company

-.-

Rekha Mittal, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Deep Singh alias Gagandeep Dass in a motor vehicular accident that took place on 10.08.2010.

The Tribunal awarded Rs.12,57,000/-, detailed hereunder:-

-Monthly income of the deceased	Rs.5,500/-
-Addition in income for future prospects	50%
-Deduction for personal expenses	1/3rd
-Multiplier	17
-Loss of dependency	Rs.11,22,000/-
-Funeral expenses	Rs.25,000/-
-Loss of consortium	Rs.1,00,000/-
-Loss of care and guidance for minor	Rs.1,00,00/-

The plea of claimants is that the deceased was earning Rs.10,500/- per month *i.e.* Rs.5,500/- per month as salary and Rs.5,000/- per month by selling milk. The Tribunal assessed income of deceased on the

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basis of salary certificate issued by Preet Tractor Private Limited Nabha with the findings that there is no evidence on record to show that the deceased was earning Rs.5,000/- per month by selling milk. Income of the deceased assessed by the Tribunal is more than minimum wage available at the relevant time and the same is affirmed. The claimants shall be entitle to addition in income for future prospects @ 40%.

In para 8 of the award, the Tribunal has noticed submissions made by counsel for the claimants that age of the deceased was 26 years, thus, multiplier applied by the Tribunal is correct and affirmed.

The application for compensation has been filed by the widow, two minor children and mother of the deceased has been arrayed as respondent No. 4 therein. In the given scenario, admissible deduction for personal expenses would be 1/4th. As such, loss of dependency comes to Rs.11,78,100/- (Rs.11,22,000/- *i.e.* 5500 x 12 x 17 + Rs.4,48,800/- (40% addition) – Rs.3,92,700/- (1/4th deduction).

Under conventional heads, compensation allowed is modified to the effect that 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), 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.12,48,100/- and compensation allowed by the Tribunal is reduced to the extent of Rs.8,900/- (12,57,000 - 12,48,100). Since the compensation awarded by the Tribunal is

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marginally higher than compensation assessed by this Court, the award passed by the Tribunal is kept intact.

Disposed of accordingly.

(Rekha Mittal)
Judge

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

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