IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

210-2

FAO No.1588 of 2014 (O&M)
Date of decision: 17.07.2019

Smt. Santosh and others ... Appellants

Versus

Pawan Kumar and others ... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. JP Sharma, Advocate for the appellants.
None for respondents No.1 and 2.
Mr. MB Jain, Advocate for the insurance company.
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REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Rurmal in a motor vehicular accident that took place on 02.02.2012.

The Tribunal awarded Rs.28,33,685/-, detailed hereunder:-

Annual income of the deceased	Rs.2,55,672/-
Future prospects	50%
Deduction for income tax	Rs.5567/-
Net annual income	Rs.2,50,105/-
Multiplier	15
Deduction for personal expenses	1/4th
Loss of dependency	Rs.28,13,685/-
Expenses on funeral	Rs.10,000/-
Loss of consortium	Rs.10,000/-

The deceased was an employee of CRPF. At the time of occurrence, his monthly salary was Rs.15,919/- reflected in salary certificate Ex.PW7/A. The Tribunal has deducted an amount of Rs.1715/- paid towards allowances i.e. R/M and W/A. There is nothing on record suggestive of the fact that sum of Rs.1640/- per month paid to the deceased towards R/M was personal in nature or its benefit was not available to family of the deceased. As such, deduction of Rs.1640/- with regard to allowance R/M is not permissible. 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**. In this manner, monthly loss of dependency is calculated at Rs.15,844/-. The annual income comes to

Rs.1,90,128/-. The addition for future prospects, multiplier and deduction for personal expenses applied by the Tribunal are correct and affirmed. In this manner, loss of dependency is calculated at Rs.32,08,410/- [(1,90,128 x 15) + (50% 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/-, 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.32,78,410/- and the additional amount is Rs.4,44,725/- (32,78,410 - 28,33,685), payable with interest @ 7.5% per annum from the date of petition till realization, to claimants No.2 and 3 minor children of the deceased, in equal ratio, to be invested in fixed deposit till they attain majority or a period of three years, whichever is later.

The appeal is partly allowed in the aforesaid terms.

17.07.2019 **(REKHA MITTAL)**
ashok **JUDGE**

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