

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

210

FAO-2179-2014 (O&M)
Date of decision: 20.08.2019

NIRMAL SHAH & ORS

... Appellants

Versus

SANJAY TIWARI & ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Arvind Kashyap, Advocate for the appellants.
Mr. Rajbir Singh, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Lakhu Shah in a motor vehicular accident that took place on 10.01.2011.

The Tribunal awarded Rs.4,88,000/-, detailed hereunder:-

Monthly income of the deceased	Rs.4000/-
Multiplier	13
Deduction for personal expenses	1/4 th
Loss of dependency	Rs.4,68,000/-
Expenses on funeral	Rs.5000/-
Loss of consortium	Rs.10,000/-
Loss of love and affection	Rs.5000/-

Claimants shall be entitle to addition in income for future prospects @ 10%. The other criteria adopted by the Tribunal for assessing loss of dependency is correct and affirmed. In this manner, loss of dependency is calculated at Rs.5,14,800/- [(4000 x 12 x 13) + (10% 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.5,84,800/- and the additional amount is Rs.96,800/- (5,84,800 - 4,88,000) payable with interest @ 7.5% per

annum from the date of petition till realization. The compensation assessed by the Tribunal shall also carry interest @ 7.5% per annum from the date of petition till realization. The additional amount shall be payable to widow of the deceased, to be invested in fixed deposit for a period of two years.

The appeal is partly allowed in the aforesaid terms.

20.08.2019

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No