

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

211

FAO-1777-2015 (O&M)

Date of decision: 09.12.2019

MANINDERJEET & ANR

... Appellants

Versus

ANKUSH KUMAR ETC

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Rajeev D. Sharma, Advocate for the appellants.
Mr. Mayank Gupta, Advocate for
Mr. Vinod Gupta, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Dhian Masih in a motor vehicular accident that took place on 19.04.2013.

The Tribunal awarded Rs.43,71,560/-, detailed hereunder:-

Monthly income of the deceased	Rs.27,703/-
Addition in income for future prospects	30%
Multiplier	15
Deduction for personal expenses	1/3 rd
Loss of dependency	Rs.43,21,560/-
Funeral expenses, last rites, loss of love and affection, loss of consortium	Rs.50,000/-

The sole submission made by counsel for the appellants is that adequate compensation may be allowed under conventional heads.

Counsel representing the insurance company has submitted that conventional heads can be granted in the light of judgments of Hon'ble the Supreme Court **National Insurance Company Limited Vs. Pranay Sethi and Ors., 2017 SCC 1270** and **Sebastiani Lakra and others vs. National Insurance Company Limited and another AIR 2018 SC 5034**.

The Tribunal has awarded Rs.50,000/- under the aforesaid heads. Taking into consideration the ratio in **Pranay Sethi and Others's case (supra)**, compensation allowed under conventional heads 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/-

In this view of the matter, claimants shall be entitle to additional amount of Rs.20,000/-, payable with interest @ 7.5% per annum from the date of petition till realization, to minor Abhijeet, to be invested in fixed deposit till he attains majority or for a period of three years, whichever is later.

The appeal is partly allowed in the aforesaid terms.

09.12.2019

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No