IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

221 FAO-2353-2015 (O&M)

Date of decision: 16.05.2019

SUKHPAL SINGH AND ORS ... Appellants

Versus

GURJIT SINGH AND ORS ... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Deepak Gupta, Advocate for the appellants.
Mr. Kashish Garg, Advocate for respondents No.1 and 3.
Mr. RC Gupta, 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 Lakhvir Singh in a motor vehicular accident that took place on 14.12.2013.

The Tribunal awarded Rs.6,43,800/- (rounded off to Rs.6,44,000/-), detailed hereunder:-

1. Monthly income of the deceased	Rs.8100/-
2. Multiplier	13
3. Deduction for personal expenses	50%
4. Loss of dependency	Rs.6,31,800/-
5. Expenses on funeral	Rs.6000/-
6. General damages and loss of estate	Rs.6000/-

The plea of claimants is that the deceased was working as Customer Care Executive in Tata Business Support Service Ltd., Mohali at salary of Rs.10,000/- per month. They examined Sukhwinder Singh, Senior Executive, HRD, Tata Business Support Services Ltd. to prove the employment and salary of the deceased. The witness produced on record appointment letter Ex.C3 and salary slip Ex.C4 wherein the deceased was shown to be getting salary of Rs.8103/- on the basis whereof the Tribunal has rightly assessed income of the deceased at Rs.8100/- per month. Claimants shall be entitle to addition in income for future prospects @ 40%. Deduction for personal expenses applied by the Tribunal is correct and affirmed. However, as the deceased was 24 years old, admissible multiplier is 18. In this context, reference can be made to judgments of Hon'ble the Supreme Court **Sarla Verma & Ors vs Delhi Transport Corp.& Anr, 2009**

(3) RCR (Civil) 77, **Munna Lal Jain and anr. vs. Vipin Kumar Sharma and ors., 2015 (3) SCC (Civil) 315** and **National Insurance Company Limited Vs. Pranay Sethi and Ors., 2017 SCC 1270.** In view of the above, loss of dependency is calculated at Rs.12,24,720/- [(8100 x 12 x 18) + (40% future prospects) – (50% deduction for personal expenses)].

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

1. Expenses on last rites	Rs.15,000/-
2. Loss of estate	Rs.15,000/-

Total compensation is Rs.12,54,720/- and the additional amount is Rs.6,10,720/- (12,54,720 - 6,44,000) payable with interest @ 7.5% per annum from the date of petition till realization, to mother of the deceased.

The appeal is partly allowed in the aforesaid terms.

16.05.2019 **(REKHA MITTAL)**
ashok **JUDGE**

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