

In the High Court of Punjab and Haryana at Chandigarh

FAO- 1845 of 2016 (O&M)
Date of Decision: 4.10.2019

Smt. Harvinder Kaur and another

---Appellants

versus

Raju and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Rohit Rana, Advocate
for Mr. Kumal Dawar, Advocate
for the appellants

Mr.Rajneesh Malhotra, Advocate,
for the insurance company

Rekha Mittal, J.

The claimants are in appeal seeking enhancement of compensation on account of death of Vinod Kumar Sharma in a motor vehicular accident that took place on 19.1.2015.

The Motor Accidents Claims Tribunal, Faridabad (in short “the Tribunal”) awarded Rs.11,33,000/- detailed hereunder:-

Monthly income of the deceased	Rs. 8000/-
Deduction for personal expenses	1/4 th
Multiplier	14
Loss of dependency	Rs. 10,08,000/-
Loss of consortium	Rs. 1,00,000/-
Funeral expenses	Rs. 25,000/-

The sole submission made by counsel for the appellants is that the Tribunal has not allowed benefit of increase in income for future

prospects @ 25%.

Counsel for the insurance company would urge that compensation allowed under conventional heads may restricted to Rs. 70,000/- in the light of judgment of Hon'ble the Supreme Court **National Insurance Company Limited vs. Pranay Sethi and others 2017 SCC 1270.**

Claimants shall be entitle to addition in income for future prospects @ 25%. Deduction for personal expenses and multiplier applied by the Tribunal are correct and affirmed. In this manner, loss of dependency is calculated at Rs. 12,60,000/- [8000 x12x14) + (25% thereof) – (1/4th)].

Under conventional heads, compensation allowed is modified to the effect that claimants shall be entitle to Rs. 70,000/-, detailed hereunder:-

Loss of consortium	Rs. 40,000/-
Expenses on funeral	Rs. 15,000/-
Loss of estate	Rs. 15,000/-

Total compensation is Rs. 13,30,000/- and the additional amount is Rs.1,97,000/-, payable with interest @ 7.5% per annum from the date of petition till realization to widow of the deceased, to be invested in fixed deposit for a period of three years.

The appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

4.10.2019

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