

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

-.-

FAO 3042 of 2015 (O&M)

Date of decision: 08.07.2019

Balbir Singh and another

.....Appellants

Versus

Naveen and others

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. S N Pillania, Advocate
for the appellants

Mr. Pradeep Kumar, Advocate for
Mr. Pardeep Goyal, Advocate
for the insurance company

-.-

Rekha Mittal, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of injuries sustained by Vinod in a motor vehicular accident that took place on 04.09.2013 but later he succumbed to injuries on 11.09.2013.

The Tribunal awarded Rs.8,42,000/-, detailed hereunder:-

-Monthly income of the deceased	Rs.6,000/-
-Deduction for personal expenses	50%
-Multiplier	17
-Loss of dependency	Rs.6,12,000/-
-Reimbursement of medical expenses	Rs.1,50,000/-
-Funeral expenses	Rs.25,000/-
-Loss of love and affection	Rs.50,000/-

-Loss of estate

Rs.5,000/-

The plea of claimants is that the deceased was earning more than Rs.40,000/- from computer coaching and tuition to the students of 10+2 and B.A. The Tribunal, in para 22 of the award, has noticed that claimants did not adduce any documentary evidence regarding avocation and income of the deceased. Counsel for the appellants, in response to a query, would inform that no evidence was led by the claimants to prove educational qualification of the deceased. In the given scenario, income of the deceased assessed by the Tribunal cannot be faulted with. The claimants shall be entitle to addition in income for future prospects @ 40%. Deduction applied by the Tribunal is correct and affirmed. As the deceased was held to be 25 years old, admissible multiplier would be 18. As such, loss of dependency is calculated at Rs.9,07,200/- (Rs.12,96,000/- i.e. 6,000 x 12 x 18 + Rs.5,18,400/- (40% addition) – Rs.9,07,200/-(50% deduction).

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that claimants shall be entitle to Rs.30,000.00 (Rs.15,000.00 each qua loss to estate and funeral expenses), in the light of judgments of Hon'ble the Supreme Court ***National Insurance Company Limited v. Pranay Sethi and others, 2017 SCC 1270*** and ***Sebastiani Lakra and others vs. National Insurance Company Limited and another, 2018 AIR (SC) 5034***. A sum of Rs.1,50,000/- for reimbursement of medical expenses allowed by the Tribunal is affirmed.

In view of the above, total compensation comes to Rs.10,87,200/- and additional amount is Rs.2,45,200/- (Rs.10,87,200 – Rs.8,42,000), payable with interest at the rate of 7.5% per annum from the

date of petition till realization to mother of the deceased, to be invested in fixed deposit for a period of three years.

For the foregoing reasons, the appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

08.07.2019
Mohan Bimbura

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