IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO 3132 of 2015 (O&M)
Date of decision: 17.12.2019

Harjit Kaur and others ....*Appellants*

Versus

Joga Singh and others ....*Respondents*

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Joginder Sharma, Advocate
for the appellants

Mr. Arundeep,Advocate for
Mr. R S Pandher, Advocate
for respondent No. 2

-.-

Rekha Mittal, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Darshan Singh in a motor vehicular accident that took place on 31.05.2010.

The Tribunal awarded Rs.20,21,000/-, detailed hereunder:-

-Monthly income of the deceased	Rs.21,066/-
-Deduction for personal expenses	1/4th
-Multiplier	10
-Loss of dependency	Rs.18,96,000/-
-Loss of consortium	Rs.1,00,000/-
-Funeral expenses	Rs.25,000/-

The plea of claimants is that the deceased was an employee of PSPCL. They examined Gurbax Kaur, Lower Division Clerk in the office of XEN PSPCL, Ghulal (CW3) to prove employment and income of deceased. The witness produced salary certificate Ex.CA-3 and copy of service book Ex.CA-4. Perusal of salary certificate Ex.CA-3 would reveal that gross salary of the deceased was Rs.35,913/- per month, out of which, deduction to tune of Rs.26,331/- was made towards GPF, Tax, LIC, GIS. The deductions made from salary of the deceased except income tax are to be ignored while computing loss of dependency. Taking into consideration total monthly salary of the deceased *i.e.* Rs.35,913/-, annual salary comes to Rs.4,30,956/- (35,913 x 12), after deducting income tax *i.e.* Rs.27,909/-, net annual income is Rs.4,03,047/-.

The claimants shall be entitle to benefit of addition in income for future prospects @ 15%. The application for compensation has been filed by the widow, one son and daughter of the deceased. In the given scenario, deduction for personal expenses would be 1/3rd. As the deceased was 55 years old, admissible multiplier is 11.

In view of the above, loss of dependency is Rs.33,99,029.15 (Rs.44,33,517/- *i.e.* 4,03,047 x 11 + Rs.6,65,027.00 (15% addition) – Rs.16,99,514.85 (1/3rd deduction).

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that the claimants shall be entitle to Rs.70,000.00 (Rs.40,000.00 for loss of consortium, 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.***

Total compensation is Rs.34,69,029.15 (33,99,029.15 +

70,000.00) and additional amount is Rs.14,48,029.15 (34,69,029.15 – 20,21,000.00), payable with interest @ 7.5% per annum from the date of petition till realization to widow of the deceased, to be invested in FD for two years.

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

(Rekha Mittal)
Judge

17.12.2019
Mohan Bimbra

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