

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

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FAO-2282-2016 (O&M)

Date of decision: 15.03.2019

ISHWARI DEVI AND ANR

... Appellants

Versus

MANDEEP SINGH AND ANR

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Ms. Gunjan Gera, Advocate for
Mr. Arvind Rajotia, Advocate for the appellants.
Mr. Manish Saini, Advocate for
Ms. Sheenu Sura, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Ashok Kumar, their son in a motor vehicular accident that took place on 16.02.2015.

The Tribunal has awarded Rs.5,96,000/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.4500/-
2. Multiplier	18
3. Deduction for personal expenses	50%
4. Loss of dependency	Rs.4,86,000/-
5. Expenses on last rites	Rs.10,000/-
6. Loss of love and affection	Rs.1,00,000/-

The Tribunal has assessed income of the deceased at Rs.4500/- per month. Taking a clue from the minimum wage available at the relevant time, income of the deceased is assessed at Rs.6700/-. Claimants shall be entitle to addition in income for future prospects @ 40%. Multiplier and deduction for personal expenses applied by the Tribunal are correct and affirmed. In this manner, loss of dependency is calculated at Rs.10,13,040/- [(6700 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.10,43,040/- and the additional amount

is Rs.4,47,040/- (10,43,040 - 5,96,000), payable with interest @ 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 two years.

The appeal is partly allowed in the aforesaid terms.

15.03.2019
ashok

(REKHA MITTAL)
JUDGE

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