

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

210

FAO-5030-2014 (O&M)

Date of decision: 13.11.2019

ARUN KUMAR & ORS

... Appellants

Versus

SATYA PARKASH YADAV & ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : None for the appellants.

Mr. Rajbir Singh, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Sahil in a motor vehicular accident that took place on 09.11.2010.

The Tribunal awarded Rs.2,50,000/-, detailed hereunder:-

Loss of dependency	Rs.2,40,000/-
--------------------	---------------

Funeral expenses	Rs.10,000/-
------------------	-------------

The deceased was born on 25.11.1994 and died on 09.11.2010 and as such, he was around 16 years of age at the time of unfortunate occurrence. He was a student of 10+1 standard. Taking a clue from notification issued by the State of Haryana coupled with educational qualification of the deceased, notional income of the deceased is assessed at Rs.4800/- per month. Claimants shall be entitle to addition in income for future prospects @ 40%. In this context, reference can be made to judgment of this Court **National Insurance Co. Ltd. Vs. Pushpa Singh Chauhan and others, FAO No.1502 of 2015, decided on 20.03.2015** affirmed by Hon'ble the Supreme Court in Special Leave Petition (C) S. No.19533 of 2015. The admissible multiplier is 18 and deduction for personal expenses would be to the tune of 50%. In this manner, loss of dependency is calculated at Rs.7,25,760/- [(4800 x 12 x 18) + (40% future prospects) – (50% deduction for personal expenses)].

Under conventional heads, compensation awarded 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.7,55,760/- and additional amount is Rs.5,05,760/- (7,55,760 – 2,50,000), 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 three years. A copy of the judgment be sent to the claimants for realization of the additional compensation.

The appeal is partly allowed in the aforesaid terms.

13.11.2019

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No