

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

-.-

FAO 2633 of 2016 (O&M)

Date of decision: 08.07.2019

Mindo alias Goggi and others

.....Appellants

Versus

Jaswinder Singh and others

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. R D Sharma, Advocate
for the appellants

Mr. Amit Jaiswal, Advocate
for the insurance company

-.-

Rekha Mittal, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Rajeev alias Sonu in a motor vehicular accident that took place on 03.12.2014.

The Tribunal awarded Rs.28,21,328/-, detailed hereunder:-

-Annual Income of the deceased	Rs.2,24,676/-
-Deduction for personal expenses	1/3rd
-Multiplier	17
-Loss of dependency	Rs.25,46,328/-
-Loss of consortium to widow	Rs.1,00,000/-
-Funeral expenses	Rs.25,000/-
-Loss of love and affection	Rs.1,00,000/-
-Loss of estate	Rs.50,000/-

The sole submission made by counsel for the appellants is that

the Tribunal has not allowed benefit of increase in income for future

prospects.

Counsel for the insurance company would state that compensation allowed under conventional heads needs to be restricted to Rs.70,000/-. Claimants examined Raja Rajwinder, Establishment Clerk, Health Branch, Municipal Corporation Pathankot to prove salary certificate Ex.C3 showing that the deceased was drawing salary of Rs.18,723/-.

The Tribunal, in para 13 of the award, has noticed that the deceased was permanent employee as Safai Karamchari in Municipal Corporation, Pathankot. As such, claimants shall be entitle to addition in income for future prospects @ 50%. Deduction for personal expenses and multiplier applied by the Tribunal are correct and affirmed. As such, loss of dependency is calculated at Rs.38,19,492- (Rs.38,19,492/- i.e. 18,723 x 12 x 17 + Rs.19,09,746/- (50% addition) – Rs.19,09,746/- (1/3rd deduction)).

Under conventional heads, compensation allowed is modified to the effect that claimants shall be entitle to Rs.70,000.00 (Rs.40,000/- 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***.

In view of the above, total compensation comes to Rs.38,89,492/- and additional amount is Rs.10,68,164/- (Rs.38,89,492 – Rs.28,21,328), payable with interest @ 7.5% per annum from the date of petition till realization to the claimants, to be paid in terms of the award.

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