

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

-.-

FAO 2846 of 2016 (O&M)

Date of decision: 29.03.2019

Sharda Devi and others

.....Appellants

Versus

Jagpal Singh and others

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Himmat Singh, Advocate
for the appellants

Mr. Nikhil K Chopra, Advocate
for respondent No. 3

-.-

Rekha Mittal, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Karan in a motor vehicular accident that took place on 16.10.2014.

The Tribunal has awarded Rs.10,47,000/-, detailed hereunder:-

-Monthly income of the deceased	Rs.6,000/-
-Deduction for personal and living expenses	1/4 th
-Multiplier	18
-Loss of dependency	Rs.9,72,000/-
-Transportation and last rites expenses	Rs.25,000/-
-Loss of consortium	Rs.25,000/-
-Loss of love and affection	Rs.25,000/-

The Tribunal has assessed income of deceased by treating him as unskilled labourer. Taking a clue from notification issued by the State of Punjab fixing minimum wage at the relevant time, income of deceased is

assessed at Rs.6,700/- per month. The claimants shall be entitle to addition in income for future prospects at the rate of 40%. Deduction for personal and living expenses and multiplier applied by the Tribunal are correct and affirmed. As such, loss of dependency is calculated at Rs.15,19,560/- (Rs.14,47,200/- i.e. $6,700 \times 12 \times 18$ + Rs.5,78,880/- (40% addition) – Rs.5,06,520.00 (1/4th (deduction)).

Under conventional heads, 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.15,89,560/- and additional amount is Rs.5,42,560/- payable with interest @ 7.5% per annum from the date of petition till realization, to claimants No. 2 to 4 in equal ratio, to be invested in FDR till they attain the age of majority or for a period of three years, whichever is later.

In view of the above, the appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

29.03.2019
Mohan Bimbura

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