

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

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FAO-2882-2016 (O&M)

Date of decision: 07.11.2019

SAROJ YADAV AND ORS

... Appellants

Versus

YAD RAM GURJAR AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Ms. Vanita Jain, Advocate for the appellants.
None for the insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Sandeep Kumar in a motor vehicular accident that took place on 26.11.2014.

The Tribunal awarded Rs.16,51,880/-, detailed hereunder:-

Monthly income of the deceased	Rs.19,071/-
Multiplier	14
Deduction for personal expenses	50%
Loss of dependency	Rs.16,01,880/-
Expenses on funeral	Rs.25,000/-
Loss of estate	Rs.10,000/-
Loss of love and affection	Rs.15,000/-

The Tribunal, in para 23 of the award, has noticed that the deceased had completed three years Diploma in Computer Science and Engineering. The claimants examined Satyapal Yadav, Senior Executive HR from M/s Linkquest Telecom Ltd. to prove employment and income of the deceased. As per the salary slips for the months of August, September and October, 2014 marked as Exs.P13 to P15, the deceased had gross salary of Rs.21,112/- in August 2014, Rs.21,831/- in September, 2014 and Rs.21,831/- in October, 2014. The Tribunal has deducted the conveyance allowance of Rs.800/- and medical allowance of Rs.1241/- while computing income to the tune of Rs.19,071/-. There is nothing on record suggestive of the fact that benefit of these allowances was not available to family of the deceased, therefore, entire income of Rs.21,831/- shall be taken into consideration for computing loss of dependency. As the deceased was 25 years 3 months old, appellants shall be entitle to addition in income for

future prospects @ 40%. Deduction for personal expenses would be 50%. The admissible multiplier is 18 on the basis of age of the deceased. In this manner, loss of dependency is calculated at Rs.33,00,847/- $[(21,831 \times 12 \times 18) + (40\% \text{ future prospects}) - (50\% \text{ deduction for personal expenses})]$.

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.33,30,847/- and additional amount is Rs.16,78,967/- $(33,30,847 - 16,51,880)$, 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.

The appeal is partly allowed in the aforesaid terms.

07.11.2019
ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No