IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

230 **Date of decision: 05.03.2019**

FAO No.5932 of 2014 (O&M)

Smt. Balbir Kaur and others ... Appellants

Versus

Mehar Singh and others ... Respondents

FAO No.8769 of 2014 (O&M)

Gurmit Kaur ... Appellant

Versus

Mehar Singh and others ... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Vivek Sharma Vashisht, Advocate for the appellants
in FAO No.5932 of 2014.
Mr. Vikram Bali, Advocate for the appellant
in FAO No.8769 of 2014.
Ms. Suman Jain, Advocate for
Mr. Mriganki Nagpal, Advocate for respondent No.3
in FAO No.5932 of 2014.
Mr. Puneet Sharma, Advocate for respondent No.3
in FAO No.8769 of 2014.

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REKHA MITTAL, J. (Oral)

This order will dispose of FAO Nos.5932 and 8769 of 2014 as these have emerged out of the same accident in which Manjit Singh and Sukhwinder Singh sustained injuries that proved fatal.

FAO No.5932 of 2014 has been filed by Balbir Kaur and others for enhancement of compensation in regard to death of Manjit Singh whereas the other appeal has been filed by Gurmit Kaur widow of Sukhwinder Singh.

FAO No.5932 of 2014

The Tribunal has awarded Rs.6,78,000/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.5000/-
2. Multiplier	11
3. Deduction for personal expenses	$1/5^{th}$
4. Loss of dependency	Rs.5,28,000/-
5. Expenses on funeral	Rs.50,000/-
6. Loss of consortium	Rs.1,00,000/-

Counsel for the appellants would state that even if the claimants are allowed benefit of addition in income for future prospects @ 10% but deduction for personal expenses is reduced to 1/4th and compensation under conventional heads is allowed to the extent of Rs.70,000/- in the light of judgment of Hon'ble the Supreme Court **National Insurance Company Limited Vs. Pranay Sethi and Ors., 2017 SCC 1270**, there is no scope for enhancement of compensation and as such, the appeal may be disposed of without any modification.

Disposed of accordingly.

FAO No.8769 of 2014

The Tribunal has awarded Rs.7,39,000/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.6000/-
2. Addition in income	Rs.2500/-
3. Multiplier	14
4. Deduction for personal expenses	50%
5. Loss of dependency	Rs.7,14,000/-
6. Expenses on funeral	Rs.5000/-
7. Transportation expenses	Rs.5000/-
8. Medical expenses	Rs.5000/-
9. Loss of consortium	Rs.10,000/-

Counsel for the appellant would argue that compensation allowed by the Tribunal under conventional heads needs enhancement. It is further argued that as the deceased was 38 years old, admissible multiplier is 15 in place of 14.

Counsel representing the insurance company has supported assessment made by the Tribunal.

The Tribunal has allowed increase in income to the tune of Rs.2500/-. Claimant shall be entitle to addition in income to the extent of 40% i.e. Rs.2400/- per month. Deduction for personal expenses would be 1/3rd in place of 50%. In this context, reference can be made to judgment of this Court **Bimla Devi Vs. Ashok Kumar and others, FAO No.7194 of 2015, decided on 16.11.2018**. The admissible multiplier is 15 as the deceased was less than 40 years of age. In this manner, loss of dependency is calculated at Rs.10,08,000/- [(6000 x 12 x 15) + (40% future prospects) – (1/3rd deduction for personal expenses)].

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that claimant shall be entitle to Rs.70,000/-, detailed hereunder:-

1. Loss of consortium	Rs.40,000/-
2. Loss of estate	Rs.15,000/-
3. Funeral expenses	Rs.15,000/-

A sum of Rs.5000/- towards medical expenses allowed by the Tribunal is affirmed.

Total compensation is Rs.10,83,000/- and the additional amount is Rs.3,44,000/- (10,83,000 – 7,39,000), payable with interest @ 7.5% per annum from the date of petition till realization, to be invested in fixed deposit for a period of three years.

The appeal is partly allowed in the aforesaid terms.

05.03.2019 **(REKHA MITTAL)**
ashok **JUDGE**

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