

FAO- 345 of 2016

Date of Decision: 13.2.2019

Parkasho Devi and another

---Appellants

versus

State of Haryana and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Sanjay Jain, Advocate
for the appellants

Rekha Mittal, J.

Mr. R.K.Bashamboo, Advocate, has caused appearance on behalf of the insurance company.

The claimants are in appeal seeking enhancement of compensation on account of death of Pardeep Kumar in a motor vehicular accident that took place on 13.8.2012.

The Motor Accidents Claims Tribunal, Ambala (in short “the Tribunal”) has awarded compensation of Rs.6,35,000/-, detailed hereunder:-

Monthly income of the deceased	Rs. 6000/-
Deduction for personal expenses	½
Multiplier	14
Loss of dependency	Rs. 5,04,000/-
Funeral expenses	Rs. 25,000/-
Loss of love and affection to mother	Rs. 1,00,000/-
Treatment expenses	Rs. 6000/-

The claimant shall be entitle to addition in income for future prospects @ 40%. The deceased was 17 years old at the time of occurrence, therefore, admissible multiplier is 18 when examined in the light of judgments of Hon'ble the Supreme Court **Smt.Sarla Verma and others vs.**

Delhi Transport Corporation and another 2009 ACJ 1298, Munna Lal

Jain vs. Vipin Kumar Sharma 2015(3) RCR (Civil) 447 and National

Insurance Company Limited vs. Pranay Sethi and others 2017 SCC

1270. Income assessed and deduction applied by the Tribunal are correct and affirmed. In this manner, loss of dependency is calculated at Rs. 9,07,200/- $[6000 \times 12 \times 18 = 12,96,000 + 5,18,400(40\%) = 18,14,400 - 9,07,200(50\%)]$.

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that claimants shall be entitle to Rs. 30,000/- in the light of judgments of Hon'ble the Supreme Court **Pranay Sethi and others' case (supra)** and **Sebastiani Lakra and others vs. National Insurance Company Limited and another AIR 2018 SC 5034**, detailed hereunder:-

Expenses on funeral	Rs. 15,000/-
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Loss of estate	Rs. 15,000/-
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Total compensation is Rs. 9,37,200/- and the additional amount is Rs.3,02,200/- (9,37,200-6,35,000), 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 two years.

The appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

13.2.2019.

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No