

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

246

FAO-3457-2016 (O&M)
Date of decision: 20.08.2019

GURMEET KAUR & ORS

... Appellants

Versus

JASVEER SINGH & ANR

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Chandan Deep Singh, Advocate for the appellants.
Mr. Vinod Gupta, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Malkeet Singh in a motor vehicular accident that took place on 23.11.2014.

The Tribunal awarded Rs.12,33,000/-, detailed hereunder:-

Monthly income of the deceased	Rs.7000/-
Multiplier	16
Deduction for personal expenses	1/4 th
Loss of dependency	Rs.10,08,000/-
Expenses on funeral	Rs.25,000/-
Loss of consortium	Rs.1,00,000/-
Loss of love and affection to claimants No.2 to 5	Rs.1,00,000/-

Claimants shall be entitle to addition in income for future prospects @ 40%. The other criteria adopted by the Tribunal for assessing loss of dependency is correct and affirmed. In this manner, loss of dependency is calculated at Rs.14,11,200/- [(7000 x 12 x 16) + (40% future prospects) – (1/4th deduction for personal expenses)].

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that claimants 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/-.

Total compensation is Rs.14,81,200/- and the additional amount is Rs.2,48,200/- (14,81,200 - 12,33,000) payable with interest @ 7.5% per

annum from the date of petition till realization, to be paid to minor claimants No.2 to 4 in equal ratio, to be invested in fixed deposit till they attain majority or for a period of three years, whichever is later.

The appeal is partly allowed in the aforesaid terms.

20.08.2019

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No