

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

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FAO-4651-2015 (O&M)

Date of decision: 03.09.2019

OM PARKASH AND ANR

... Appellants

Versus

NIKHIL AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Diwan S. Adlakha, Advocate for the appellants.
Mr. Sukhdarshan Singh, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Sunil Kumar in a motor vehicular accident that took place on 07.12.2011.

The Tribunal awarded Rs.2,24,500/-, detailed hereunder:-

Annual income of the deceased	Rs.15,000/-
Deduction for personal expenses	1/3 rd
Loss of dependency	Rs.1,90,000/-
Expenses on funeral	Rs.2000/-
Loss of estate	Rs.2500/-
Medical expenses	Rs.15,000/-
Costs of medicines	Rs.15,000/-

Counsel for the appellants would argue that income of the deceased aged about 20 years assessed by the Tribunal is grossly inadequate and needs modification. It is further submitted that perusal of para 18 of the award does not indicate as to what multiplier has been applied by the Tribunal for computing loss of dependency.

As per plea of the claimants, deceased was 19 years old but in the postmortem report, he is mentioned to be 20 years old. Taking into consideration age of the deceased coupled with minimum wage available at the relevant time, income of the deceased is assessed at Rs.3300/- per month. Deduction for personal expenses applied by the Tribunal is correct and affirmed. However, admissible multiplier is 16. In this manner, loss of dependency is calculated at Rs.4,22,400/- [(3300 x 12 x 16) – (1/3rd deduction for personal expenses)].

Under conventional heads, compensation allowed by the

Tribunal is correct and affirmed. The amount of Rs.15,000/- each allowed towards medical expenses and costs of medicine by the Tribunal is affirmed.

In this manner, total compensation is Rs.4,56,900/- and additional amount is Rs.2,32,400/- (4,56,900 - 2,24,500), payable with interest @ 7.5% per annum from the date of petition till realization, to mother of the deceased.

The appeal is partly allowed in the aforesaid terms.

03.09.2019

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No