

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 4415 of 2016(O&M)

Date of decision: 11.9.2019

Sandeep Sharma and othersAppellants

VERSUS

Lakhwinder Singh and othersRespondents

CORAM: HON’BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Anoop Singla, Advocate for the appellants.

REKHA MITTAL, J. (Oral)

There is no representation on behalf of the insurance company despite service.

The claimants are in appeal seeking enhancement of compensation on account of death of Kuldeep Kumar in a motor vehicular accident that took place on 05.12.2014.

The Motor Accidents Claims Tribunal, Faridkot (in short ‘the Tribunal’) awarded Rs.13,22,000/- detailed hereunder:-

Monthly income of the deceased	Rs.9500/-
Deduction for personal expenses	1/4 th
Multiplier	14
Loss of dependency	Rs.11,97,000/-
Loss of consortium to the widow	Rs.1,00,000/-
Funeral expenses	Rs.25000/-

The Tribunal has assessed age of the deceased to be 40 years. Accordingly, admissible multiplier is 15. Since there is no evidence that the deceased was less than 40 years of age, addition in income for future prospects would be 25%. Deduction for personal expenses allowed by the Tribunal is correct and affirmed. In this manner, loss of dependency comes to Rs.16,03,0125/- [Rs. 17,10,000/- (Rs.9500 x 12 x 15) + Rs. 4,27,500/- (25% addition towards future prospects) – Rs.5,34,375/- (1/4th deduction towards personal expenses)].

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

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

In view of the above, total compensation comes to Rs.16,73,125/- and the additional amount is Rs.3,51,125/- (Rs.16,73,125/- - Rs.13,22,000/-) payable with interest at the rate of 7.5% per annum from the date of petition till realization to claimants No.2 to 4 in the ratio 20:30:50, to be invested in fixed deposit till they attain maturity or for a period of three years, whichever is later.

The appeal is partly allowed in the aforesaid terms.

SEPTEMBER 11, 2019

‘D. Gulati’

Whether speaking/reasoned :

Whether reportable :

(REKHA MITTAL)

JUDGE

yes/no

yes/no