

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

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Date of decision: 18.10.2019

FAO No. 4520 of 2016

Parveen Kumar

.....Appellant

Versus

Jagtar Singh and others

.....Respondents

FAO No. 7097 of 2016

Kulwant Kaur and another

.....Appellant

Versus

Jagtar Singh and others

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Rajbir Singh, Advocate
for the appellants

Mr. Amit Kundra, Advocate
for the insurance company

-.-

Rekha Mittal, J. (Oral)

This order will dispose of aforesaid appeals as these have emerged out of the same accident that took place on 13.01.2014 in which Parveen Kumar and Sandeep Kaur sustained injuries but Sandeep Kaur succumbed to the injuries.

FAO No. 4520 of 2016 has been filed by injured Parveen Kumar seeking enhancement of compensation whereas the other appeal has been filed for allowing additional compensation with regard to death of Sandeep Kaur.

FAO No. 4520 of 2016

The Tribunal awarded Rs.2,55,000/-, in view of discussion in paras 14 to 18 of award, under issue No. 2.

I have gone through assessment of compensation made by the Tribunal and find it difficult to accept contention of the appellant that he is entitle to additional compensation. Rather, the Tribunal has shown magnanimity in awarding compensation under various heads.

In view of what has been discussed hereinbefore, finding no merit, the appeal fails and is accordingly dismissed, leaving the parties to bear their own costs.

FAO 7097 of 2016

The Tribunal awarded Rs.5,91,660/-, detailed hereunder:-

-Monthly income of the deceased	Rs.4,000/-
-Deduction for personal expenses	50%
-Multiplier	18
-Loss of dependency	Rs.4,32,000/-
-Loss of love and affection	Rs.1,00,000/-
-Funeral Expenses	Rs.25,000/-
-Medical expenses	Rs.34,660/-

Counsel for the appellants would argue that deceased was a student of 10+1 and she was about 18 years old at the time of unfortunate occurrence. It is further submitted that income of deceased assessed by the Tribunal is on lower side and merits enhancement. The appellants may be allowed benefit of increase in income for future prospects @ 40%.

Perusal of photocopy of matriculation certificate supplied by counsel for the insurance company during course of hearing would reveal that deceased passed matriculation in March, 2013 and her date of birth is

12.03.1996. Taking a clue from notification issued by the State of Punjab fixing minimum wage coupled with educational qualification of deceased, income of the deceased is assessed at Rs.6,400/- per month. The appellants shall be entitle to increase in income for future prospects @ 40%. Deduction for personal expenses and multiplier applied by the Tribunal are correct and affirmed. As such, loss of dependency comes to Rs.9,67,680/- (Rs.13,82,400/- i.e. $6,400 \times 12 \times 18$ + Rs.5,52,960/- (40% addition) – Rs.9,67,680/- (50% deduction).

Under conventional heads, compensation allowed is modified to the effect that claimants shall be entitle to Rs.30,000.00 (Rs.15,000.00 each qua loss to estate and funeral expenses), in the light of judgments of Hon'ble the Supreme Court *National Insurance Company Limited v. Pranay Sethi and others, 2017 SCC 1270* and *Sebastiani Lakra and others vs. National Insurance Company Limited and another, 2018 AIR (SC) 5034*.

A sum of Rs.34,660/- towards medical expenses allowed by the Tribunal is affirmed.

In view of the above, total compensation is Rs.10,32,340/- and additional amount is Rs.4,40,680/- ($10,32,340 - 5,91,660$), payable with interest @ 7.5% per annum to mother of the deceased, to be invested in fixed deposit for a period of two years.

For the foregoing reasons, the appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

18.10.2019

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