

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

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FAO-460-2016 (O&M)

Date of decision: 14.10.2019

JASWINDER KAUR AND ANR

... Appellants

Versus

JASBIR SINGH AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Ashok K. Khunger, Advocate for the appellants.
Mr. Rajeev D. Sharma, Advocate for respondents No.1 and 2.
Mr. Neeraj Khanna, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Jaspreet Singh in a motor vehicular accident that took place on 24.06.2014.

The Tribunal awarded Rs.9,55,791/-, detailed hereunder:-

Monthly income of the deceased	Rs.6247/-
Addition in income for future prospects	50%
Multiplier	17
Deduction for personal expenses	50%
Loss of dependency	Rs.9,55,791/-
Expenses on funeral	Rs.25,000/-

Counsel for the appellants would argue that deceased was driver of Pick Up van and driving the said vehicle when he met with unfortunate accident due to rash and negligent driving of offending trolly. It is further submitted that though the Tribunal has awarded Rs.25,000/- towards funeral expenses but in the relief clause, benefit of funeral expenses has not been extended to the claimants.

Counsel representing the insurance company, on the other hand, would argue that addition in income for future prospects may be modified in the light of judgment of Hon'ble the Supreme Court **National Insurance Company Limited Vs. Pranay Sethi and Ors., 2017 SCC 1270.**

The deceased was driving ill-fated Pick Up van at the time of accident. Taking a clue from notification issued by the State of Punjab

fixing minimum wage of skilled worker at the relevant time, income of the deceased is assessed at Rs.8000/- per month. Claimants shall be entitle to addition in income for future prospects @ 40%. Multiplier and deduction for personal expenses applied by the Tribunal are correct and affirmed. In this manner, loss of dependency is calculated at Rs.11,42,400/- $[(8000 \times 12 \times 17) + (40\% \text{ future prospects}) - (50\% \text{ deduction for personal expenses})]$.

Under conventional heads, compensation awarded is modified to the effect that claimants shall be entitle to Rs.30,000/-, detailed hereunder:-

1. Expenses on last rites	Rs.15,000/-
2. Loss of estate	Rs.15,000/-

Total compensation is Rs.11,72,400/- and additional amount is Rs.2,16,609/- $(11,72,400 - 9,55,791)$ 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.

14.10.2019

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No