

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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FAO-4801-2016 (O&M)

Date of decision: 20.09.2019

SURJIT KAUR

... Appellant

Versus

JAGMEET SINGH & ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Anoop Singla, Advocate for the appellant.
Mr. SS Sidhu, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

The claimant is in appeal seeking enhancement of compensation on account of death of Kuldeep Singh @ Keepa in a motor vehicular accident that took place on 11.11.2014.

The Tribunal awarded Rs.7,02,800/- (rounded off to Rs.7,03,000/-), detailed hereunder:-

Monthly income of the deceased	Rs.5200/-
Multiplier	16
Deduction for personal expenses	1/3 rd
Loss of dependency	Rs.6,52,800/-
Expenses on funeral	Rs.25,000/-
Loss of love and affection	Rs.25,000/-

The plea of claimant is that deceased was earning Rs.25,000/- per month but she failed to produce satisfactory evidence with regard to avocation and income of the deceased. Taking a clue from notification issued by the State of Punjab fixing minimum wage at the relevant time, income of the deceased is assessed at Rs.6700/- per month. Claimant shall be entitle to addition in income for future prospects @ 40%. As claimant is mother of the deceased, admissible deduction for personal expenses would be 50%. The deceased was 19 years old and admissible multiplier is 18. In this context, reference can be made to judgments of Hon'ble the Supreme Court **Sarla Verma & Ors vs Delhi Transport Corp.& Anr, 2009 (3) RCR (Civil) 77, Munna Lal Jain and anr. vs. Vipin Kumar Sharma and ors., 2015 (3) SCC (Civil) 315 and National Insurance Company Limited Vs. Pranay Sethi and Ors., 2017 SCC 1270**. In view of the above, loss of dependency is calculated at Rs.10,13,040/- [(6700 x 12 x 18) + (40% future

prospects) – (50% deduction for personal expenses)].

Under conventional heads, compensation awarded by the Tribunal is modified to the effect that claimant 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.10,43,040/- and additional amount is Rs.3,40,040/- (10,43,040 - 7,03,000) payable with interest @ 7.5% per annum from the date of petition till realization, to be invested in fixed deposit for a period of two years.

The appeal is partly allowed in the aforesaid terms.

20.09.2019

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No