

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

-.-

FAO 5886 of 2015 (O&M)

Date of decision: 19.03.2019

Manjeet Kaur and others

.....Appellants

Versus

Ram Dass Rai and others

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Vipul Sharma, Advocate
for the appellants
Mr. Sanjiv Pabbi, Advocate
for respondent No. 3

-.-

Rekha Mittal, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Balbir Singh in a motor vehicular accident that took place on 28.12.2012.

The Tribunal has awarded Rs.8,89,000/-, detailed hereunder:-

-Monthly income of the deceased	Rs.6,000/-
-Deduction for personal expenses	1/4th
-Multiplier	16
-Loss of dependency	Rs.8,64,000/-
-Loss of love and affection to each of the claimants	Rs.50,000/-
-Loss of consortium	Rs.50,000/-
-Funeral expenses	Rs.25,000/-

However, if the amount is calculated in view of the above, the same would be more than Rs.8,89,000/- that makes reference under issue No. 6 of the award.

Counsel for the appellants would urge that compensation may be assessed by this Court and the amount already paid by the insurance

company may be adjusted out of total compensation assessed by this Court.

Monthly income of the deceased, deduction for personal expenses and multiplier applied by the Tribunal are correct and affirmed. The claimants shall be entitled to addition in income for future prospects @ 40%. In view of the above, loss of dependency is calculated at Rs.12,09,600/- (Rs.11,52,000/- i.e. 6000 x 12 x 16 + Rs.4,60,800/- (40% addition) – Rs.4,03,200/- (1/4th)).

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that claimants shall be entitled to Rs.70,000.00 (Rs.40,000.00 for loss of consortium, Rs.15,000.00 each for 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*.

Total compensation is Rs.12,79,600/-. The claimants shall be entitled to additional amount after adjustment of amount already paid by the insurance company along with interest. The additional amount shall carry interest @ 7.5% per annum from the date of petition till realisation, to be shared by the claimants in equal ratio.

In view of the above, the appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

19.03.2019
Mohan Bimbura

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