

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

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FAO-6072-2015 (O&M)

Date of decision: 25.09.2019

AKHILESH ETC

... Appellants

Versus

RAVINDER SINGH @ JOLLY ETC

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Ms. Ekta Thakur, Advocate for the appellants.
Mr. Navin Kapur, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

CM No.19257-CII of 2015

Prayer in this application is for impleading legal representative(s) (in short "LRs") of Parvati-respondent No.4.

In view of averments made in the application supported by an affidavit of Akhilesh-appellant No.1 and arguments advanced, application is allowed and persons mentioned in para 1 of the application are allowed to be brought on record as LR's of Parvati-respondent No.4 (since deceased), subject to just exceptions, for the purpose of present lis only.

Disposed of accordingly.

Main Case

The claimants are in appeal seeking enhancement of compensation on account of death of Suresh in a motor vehicular accident that took place on 25.09.2013.

The Tribunal awarded Rs.4,01,000/-, detailed hereunder:-

Annual income of the deceased	Rs.18,000/-
Addition in income for future prospects	30%
Multiplier	15
Deduction for personal expenses	1/5 th
Loss of dependency	Rs.2,76,000/-
Expenses on funeral	Rs.25,000/-
Loss of consortium	Rs.1,00,000/-

Counsel for the appellants, in response to order dated 27.08.2019 passed by this Court, would state that deceased was taking benefit of BPL card till his death in the year 2013. However, she would submit that the BPL card possessed by the deceased was issued in the year

2006 and there would be increase in limit of income for getting BPL card by the time Suresh died in the year 2013 and claimants may be extended benefit thereof.

Counsel representing the insurance company, on the contrary, would argue that addition in income for future prospects and compensation allowed under conventional heads 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.**

Taking into consideration the time lag between the year of issuance of BPL card and death of Suresh coupled with that provisions providing for compensation are benevolent social legislation, annual income of the deceased is assessed at Rs.24,000/-. Claimants shall be entitle to addition in income for future prospects @ 25%. Multiplier and deduction for personal expenses applied by the Tribunal are correct and affirmed. In this manner, loss of dependency is calculated at Rs.3,60,000/- $[(24,000 \times 15) + (25\% \text{ future prospects}) - (1/5^{\text{th}} \text{ deduction for personal expenses})]$.

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

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

Total compensation is Rs.4,30,000/- and additional amount is Rs.29,000/- (4,30,000 - 4,01,000), payable with interest @ 7.5% per annum from the date of petition till realization, to widow of the deceased.

The appeal is partly allowed in the aforesaid terms.

25.09.2019

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No