

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

227

FAO-5107-2016 (O&M)

Date of decision: 06.05.2019

ASHA RANI & ORS

... Appellants

Versus

GAGAN DEEP & ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. RD Sharma, Advocate for the appellants.
Mr. Amit Kundra, Advocate for respondent No.3.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Lokesh Kumar @ Lucky in a motor vehicular accident that took place on 29.01.2015.

The Tribunal awarded Rs.14,60,000/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.10,000/-
2. Multiplier	17
3. Deduction for personal expenses	1/3 rd
4. Loss of dependency	Rs.13,60,000/-
5. Expenses on funeral	Rs.25,000/-
6. Loss of estate	Rs.25,000/-
7. Loss of love and affection	Rs.25,000/-
8. Loss of consortium	Rs.25,000/-

Claimants shall be entitle to addition in income for future prospects @ 40%. The application for compensation has been filed by the widow, two minor children and mother of the deceased and as such, admissible deduction for personal expenses would be 1/4th as against 1/3rd. Multiplier applied by the Tribunal is correct and affirmed. In this manner, loss of dependency is calculated at Rs.21,42,000/- [(10,000 x 12 x 17) + (40% future prospects) – (1/4th 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.22,12,000/- and the additional amount

is Rs.7,52,000/- (22,12,000 - 14,60,000), payable to minor children of the deceased in equal ratio, to be invested in fixed deposit till they attain the age of majority or for a period of three years, whichever is later. Interest accruing on FDR shall be payable to mother of the minors for meeting their expenses.

The Tribunal has held that interest @ 9% per annum from the date of award till realization would be payable only in case the compensation is not paid within one month. The Tribunal has not assigned any reason for extending this concession to the respondents therein or to deprive the claimants of interest on the amount of compensation from the date of petition till realization. As such, findings of the Tribunal in this regard cannot be allowed to sustain and accordingly set aside with the observations that interest shall be payable on the amount assessed by this Court @ 7.5% per annum from the date of petition till realization. The amount of interest shall be released in favour of widow of the deceased.

The appeal is disposed of in the aforesaid terms.

06.05.2019

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(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No