IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

235 FAO No.5148 of 2016 (O&M)

Date of decision: 24.01.2019

DEVINDER KAUR AND ORS ... Appellants

Versus

RAMINDER SINGH AND ANR ... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. P.S. Dhaliwal, Advocate for the appellants.
Mr. Ravinder Arora, Advocate for the insurance company.
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REKHA MITTAL, J. (Oral)

CM No.17612-CII of 2016

Heard.

Allowed as prayed for. Delay of 96 days in filing the appeal stands condoned.

Main Case

The claimants are in appeal seeking enhancement of compensation on account of death of Amarjit Singh in a motor vehicular accident that took place on 25.09.2014.

The Tribunal has awarded compensation of Rs.17,22,000/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.18,000/-
2. Multiplier	11
3. Deduction for personal expenses	1/3rd
4. Loss of dependency	Rs.15,84,000/-
5. Expenses on funeral	Rs.20,000/-
6. Loss of consortium to the widow	Rs.20,000/-
7. Medical expenses	Rs.98,000/-

The Tribunal has assessed income of the deceased at Rs.18,000/- per month and the same is affirmed being based upon documentary evidence. The Tribunal has applied multiplier of 11 on the basis of age of the deceased to be 50 years in view of postmortem report Ex.P2. In the income tax returns produced on record, date of birth of the deceased is 20.05.1961 and as such, the deceased was more than 53 years of age at the time of death. Accordingly, multiplier applied by the Tribunal is correct and affirmed. Claimants shall be entitle to addition in income for future prospects @ 10%. Deduction for personal expenses allowed by the Tribunal is correct and affirmed. In this manner, loss of dependency is calculated at Rs.17,42,400/- [(18000 x 12 x 11) + (10% future prospects) – (1/3rd deduction for personal expenses)]. An amount of Rs.98,000/- towards medical expenses allowed by the Tribunal is affirmed.

Under conventional heads, 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.19,10,400/- and the additional amount is Rs.1,88,400/- (19,10,400 - 17,22,000), 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.

24.01.2019 **(REKHA MITTAL)**
ashok **JUDGE**

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