

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

247

FAO-5218-2016 (O&M)

Date of decision: 06.02.2019

VEENA AND ANR

... Appellants

Versus

BHUPINDER SINGH AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. SK Biriwal, Advocate for the appellants.
Mr. RK Bashamboo, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Karan Kumar in a motor vehicular accident that took place on 16.04.2014.

The Tribunal has awarded compensation of Rs.6,74,000/-,
detailed hereunder:-

1. Monthly income of the deceased	Rs.8000/-
2. Multiplier	13
3. Deduction for personal expenses	50%
4. Loss of dependency	Rs.6,24,000/-
5. Expenses on funeral/last rites and loss of love and affection	Rs.50,000/-

The plea of claimants is that the deceased was a student of B.Sc-IIInd year in SA Jain College, Ambala City and had a bright future. After completion of Graduation, he would have got a job on monthly salary of Rs.25,000/-.

Taking into consideration educational qualification of the deceased coupled with notification issued by the State of Haryana fixing minimum wage, I do not find any reason to allow increase of income of the deceased. However, claimants shall be entitle to addition in income for

future prospects @ 40%. Deduction for personal expenses allowed by the Tribunal is correct and affirmed.

The deceased was 20 years old, unmarried son of the claimants. In the light of 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**, admissible multiplier is 18. In this manner, loss of dependency is calculated at Rs.12,09,600/- [(8000 x 12 x 18) + (40% future prospects) – (50% deduction for personal expenses)].

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that claimants shall be entitle to Rs.30,000/-, detailed hereunder:-

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

Total compensation is Rs.12,39,600/- and the additional amount is Rs.5,65,600/- (12,39,600 – 6,74,000), payable with interest @ 7.5% per annum from the date of petition till realization, to mother of the deceased.

The appeal is partly allowed in the aforesaid terms.

06.02.2019

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No