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

FAO No. 5284 of 2016(O&M)

Date of decision: 22.1.2019

Darshna Rani …..Appellant

VERSUS

Suresh and others .....Respondents

*****

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Ashok Bhardwaj, Advocate for the appellant.

Mr. Punit Jain, Advocate for the insurance company.

*****

REKHA MITTAL, J. (Oral)

Smt. Darshna Rani, one of the claimants, is in appeal seeking enhancement of compensation awarded by Motor Accidents Claims Tribunal, Jind (in short 'the Tribunal') on account of death of Rajesh Kumar in a motor vehicular accident that took place on 23.08.2014.

The Tribunal has awarded compensation of Rs.7,55,000/- detailed hereunder:-

Monthly income of the deceased	Rs.7500/-
Deduction for personal expenses	50%
Multiplier	15
Loss of dependency	Rs.6,75,000/-
Loss of love and affection	Rs.50,000/-
Loss of estate	Rs.5,000/-
Funeral expenses	Rs.25,000/-

The Tribunal has assessed income of the deceased on the basis of testimony of Satish Kumar Jain, Proprietor, M/s Jain Medical Hall and documents produced by the witness. That being so, income of the deceased assessed by the Tribunal is affirmed. The appellant shall be entitle to addition in income for future prospects at the rate of 25%. The Tribunal has rightly deducted 50% for personal and living expenses of the deceased. The deceased was 41 years old at the time of occurrence, therefore, admissible multiplier is 14. In this manner, loss of dependency comes to Rs.7,87,500/- [Rs.12,60,000/- (Rs.7500 x 12x 14) + Rs.3,15,000 (25% addition towards future prospects) – Rs.7,87,500/- (50% deduction towards personal expenses).

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that appellant shall be entitled to Rs.30,000/- i.e. Rs.15000/- for funeral expenses and Rs.15000/- for loss to estate in the light of judgments of Hon'ble the Supreme Court **National Insurance Company Ltd. Vs. Pranay Sethi and others, 2017 SCC 1270** and **Sebastiani Lakra and others Vs. National Insurance Co. Ltd. and another, AIR 2018 SC 5034.**

In view of the above, total compensation comes to Rs.8,17,500/- and the additional amount is Rs.62,500/- (Rs.8,17,500/- - Rs.7,55,000/-) payable with interest at the rate of 7.5% per annum from the date of petition till realization to be invested in a fixed deposit for a period of three years.

The appeal is partly allowed in the aforesaid terms.

JANUARY 22, 2019 **(REKHA MITTAL)**
'D. Gulati' **JUDGE**

Whether speaking/reasoned : yes/no
Whether reportable : yes/no