IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO 6413 of 2015 (O&M)
Date of decision: 11.09.2019

Veena Rani and another ....*Appellants*

Versus

Gurmeet Singh and others ....*Respondents*

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Sagar Aggarwal, Advocate
for the appellants

Mr. Rohit Arya, AAG, Haryana

Mr. R K Bashamboo, Advocate
for the insurance company

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Rekha Mittal, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Jatin Gambhir in a motor vehicular accident that took place on 27.06.2013.

The Tribunal awarded Rs.16,18,160/-, detailed hereunder:-

-Monthly income of the deceased	Rs.9,680/-
-Addition in income for future prospects	50%
-Deduction for personal expenses	50%
-Multiplier	18
-Loss of dependency	Rs.15,68,160/-
-Loss of love and affection, funeral expenses and loss of estate	Rs.50,000/-

The plea of claimants is that deceased passed three years dipolma in Electrical Engineering from Government Polytechnic, Ambala and while studying B.Tech (Electrical Engineering), he had been imparting tuition thereby earning Rs.20,000/- per month. The claimants did not examine any witness to substantiate their plea with regard to deceased taking tuition classes and thereby earning income. However, they placed on record testimonials of deceased with regard to diploma in Electrical Engineering from Government Polytechnic Ambala city and six semesters of B.Tech (Electrical Engineering) from Kurukshetra University, Kurukshetra. In addition, the deceased passed certificate 'C' examination in 'B' Grade held in 2011 by Ministry of Defence, Government of India. He also obtained certificate in office automation with grade 'A++' from Zenith Technical Education Centre, Pipli. He further passed short term course in 'C' Language from the aforesaid centre at Pipli.

Taking into consideration technical qualification of deceased coupled with minimum wage of skilled worker available at the relevant time, in my considered opinion, income of the deceased should be assessed at Rs.15,000/- per month. The claimants shall be entitle to addition in income for future prospects @ 40%. Deduction for personal expenses and multiplier applied by the Tribunal are correct and affirmed. As such, loss of dependency is Rs.22,68,000/- [Rs.32,40,000/- i.e. 15,000 x 12 x 18 + Rs.12,96,000/- (40% addition) – Rs.22,68,000/- (50% deduction)].

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that claimants shall be entitle to Rs.30,000.00 (Rs.15,000.00 each qua loss to estate and funeral expenses), in the light of judgments of Hon'ble the Supreme Court ***National Insurance***

Company Limited v. Pranay Sethi and others, 2017 SCC 1270 and ***Sebastiani Lakra and others vs. National Insurance Company Limited and another, 2018 AIR (SC) 5034.***

In view of the above, total compensation is Rs.22,98,000/- and additional amount is Rs.6,79,840/- (22,98,000-1618,160), payable with interest @ 7.5% per annum from the date of petition till realization to mother of the deceased, to be invested in fixed deposit for a period of two years.

For the foregoing reasons, the appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

11.09.2019
Mohan Bimbra

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