

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

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FAO-5451-2016 (O&M)

Date of decision: 20.03.2019

SATYA AND ORS.

...Appellants

Versus

RAKESH KUMAR AND ORS.

...Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Anil K. Spehia, Advocate for the appellants.
Mr. Lalit Garg, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Naranjan Pal in a motor vehicular accident that took place on 20.05.2015.

The Tribunal has awarded Rs.10,16,000/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.9000/-
2. Multiplier	11
3. Deduction for personal expenses	1/4 th
4. Loss of dependency	Rs.8,91,000/-
5. Expenses on funeral	Rs.25,000/-
6. Loss of consortium	Rs.1,00,000/-

The plea of claimants is that Naranjan Pal was working as contractor and he used to take contracts of construction work thereby earning Rs.1 lakh per month. The Tribunal has noticed that claimants have not produced any documents if the deceased had licence of contractor. By treating him as a skilled person, his income has been assessed at Rs.9000/- per month and the same is affirmed.

The aadhaar card of the deceased is mark 29 wherein his date of birth is recorded as 31.03.1964 and as such, he was more than 51 years old at the time of occurrence in May, 2015. Claimants shall be entitle to addition in income for future prospects @ 10%. Multiplier and deduction for personal expenses applied by the Tribunal are correct and affirmed. In this manner, loss of dependency is calculated at Rs.9,80,100/- [(9000 x 12 x 11) + (10% 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/- in the light of judgments of Hon'ble the Supreme Court **National Insurance Company Limited Vs. Pranay Sethi and Ors., 2017 SCC 1270** and **Sebastiani Lakra and others vs. National Insurance Company Limited and another AIR 2018 SC 5034**, 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.10,50,100/- and the additional amount is Rs.34,100/- (10,50,100 - 10,16,000), 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.

20.03.2019

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No