

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

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FAO-5555-2016 (O&M)

Date of decision: 18.03.2019

SUMITRA AND ORS

... Appellants

Versus

HARI OM AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Deepak Chaudhary, Advocate for the appellants.
Mr. Ankur Gupta, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Subhash @ Subhash Chander in a motor vehicular accident that took place on 15.05.2015.

The Tribunal has awarded Rs.9,20,000/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.6000/-
2. Multiplier	15
3. Deduction for personal expenses	1/3 rd
4. Loss of dependency	Rs.7,20,000/-
5. Expenses on funeral	Rs.28,000/-
6. Loss of consortium	Rs.1,00,000/-
7. Medical expenses	Rs.72,000/-

Claimants shall be entitle to addition in income for future prospects @ 40%. Income of the deceased, multiplier and deduction for personal expenses applied by the Tribunal are correct and affirmed. In this manner, loss of dependency is calculated at Rs.10,08,000/- [(6000 x 12 x 15) + (40% future prospects) – (1/3rd 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/-, detailed hereunder:-

1. Loss of consortium	Rs.40,000/-
2. Loss of estate	Rs.15,000/-
3. Funeral expenses	Rs.15,000/-

The amount of Rs.72,000/- awarded for medical expenses is affirmed.

Total compensation is Rs.11,50,000/- and the additional amount is Rs.2,30,000/- (11,50,000 - 9,20,000), payable with interest @ 7.5% per

annum from the date of petition till realization, to be shared by the widow and minor child of the deceased in equal ratio. The amount falling to share of minor shall be invested in fixed deposit payable on his attaining age of majority or for a period of three years, whichever is later.

The appeal is partly allowed in the aforesaid terms.

18.03.2019

ashok

(REKHA MITTAL)
JUDGE

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