

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

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FAO-5718-2016 (O&M)

Date of decision: 10.09.2019

KELA RANI ALIAS KELA DEVI AND ANR.

... Appellants

Versus

SHAMSHAD AND ORS.

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Jayoti P. Sharma, Advocate for the appellants.
Mr. Vinod Gupta, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Akshay in a motor vehicular accident that took place on 23.12.2014.

The Tribunal awarded Rs.8,69,000/-, detailed hereunder:-

Monthly income of the deceased	Rs.7000/-
Multiplier	18
Deduction for personal expenses	50%
Loss of dependency	Rs.7,56,000/-
Expenses on funeral and transportation	Rs.11,000/-
Loss of love and affection	Rs.1,02,000/-
	(Rs.51,000/- each)

The plea of claimants is that the deceased was student of ITI aged about 17 years 8 months. There is no clear evidence on record with regard to nature and duration of diploma of which the deceased was a student at the time of his unfortunate death. Taking a clue from notification issued by the State of Haryana fixing minimum wage coupled with educational qualification of the deceased, income of the deceased is assessed at Rs.7500/- per month. Claimants shall be entitle to addition in income for future prospects @ 40%. Multiplier and deduction for personal expenses applied by the Tribunal are correct and affirmed. In this manner, loss of dependency is calculated at Rs.11,34,000/- [(7500 x 12 x 18) + (40% future prospects) – (50% deduction for personal expenses)].

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

1. Expenses on last rites	Rs.15,000/-
2. Loss of estate	Rs.15,000/-

Total compensation is Rs.11,64,000/- and additional amount is Rs.2,95,000/- (11,64,000 - 8,69,000), 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.

The appeal is partly allowed in the aforesaid terms.

10.09.2019

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No