

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

212

FAO-6965-2015 (O&M)

Date of decision: 05.04.2019

HARPREET KAUR AND ANR

... Appellants

Versus

VINOD KUMAR AND ORS

... Respondents

**CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL**

Present : Mr. Himmat Singh, Advocate for  
Mr. TVS Lehal, Advocate for the appellants.  
Mrs. Swatantar Kapoor, 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 Satnam Singh in a motor vehicular accident that took place on 02.02.2012.

The Tribunal has awarded Rs.8,88,000, detailed hereunder:-

|                                    |                   |
|------------------------------------|-------------------|
| 1. Monthly income of the deceased  | Rs.6000/-         |
| 2. Multiplier                      | 16                |
| 3. Deduction for personal expenses | 1/3 <sup>rd</sup> |
| 4. Loss of dependency              | Rs.7,68,000/-     |
| 5. Expenses on funeral             | Rs.20,000/-       |
| 6. Loss of love and affection      | Rs.50,000/-       |
| 7. Loss of consortium              | Rs.50,000/-       |

The plea of claimants is that deceased was working as driver in Swami Vivekanand Group of Institutes at salary of Rs.6000/- per month and accordingly, the Tribunal has assessed his income at Rs.6000/- 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.10,75,200/- [(6000 x 12 x 16) + (40% future prospects) – (1/3<sup>rd</sup> 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/- |

Total compensation is Rs.11,45,200/- and the additional compensation is Rs.2,57,200/- (11,45,200 - 8,88,000) 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 the ratio 30:70. 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.

05.04.2019

ashok

**(REKHA MITTAL)**  
**JUDGE**

Whether speaking/reasoned:  
Whether reportable:

Yes / No  
Yes / No