

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

FAO No. 5986 of 2016(O&M)

Date of decision: 21.8.2019

Surinder Kaur and anotherAppellants

VERSUS

Sukhwinder Singh and othersRespondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. A.S. Khinda, Advocate for the appellants.

Mr. R.K. Bashamboo, Advocate for the insurance company.

REKHA MITTAL, J.(Oral)

The claimants are in appeal seeking enhancement of compensation awarded by the Motor Accidents Claims Tribunal, Kapurthala (in short 'the Tribunal') on account of death of Ajit Singh in a motor vehicular accident that took place on 26.02.2013.

The Tribunal awarded Rs.4,55,000/-, detailed hereunder:-

Annual income of the deceased	Rs.60,000/-
Deduction for personal expenses	1/3 rd
Multiplier	11
Loss of dependency	Rs.4,40,000/-
Funeral expenses	Rs.15,000/-

Claimants are entitle to addition in income for future prospects at the rate of 10%. Deduction for personal expenses and multiplier applied by the Tribunal are correct and affirmed. In this manner,

loss of dependency is calculated at Rs. 4,84,000/- [Rs.6,60,000/- (Rs.60000 x 11) + Rs.66,000/- (10% addition towards future prospects) – Rs.2,42,000/- (1/3rd deduction towards 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:-

Loss of consortium	Rs.40,000/-
Loss to estate	Rs.15,000/-
Funeral expenses	Rs.15,000/-

In view of the above, total compensation is Rs.5,54,000/- and additional amount is Rs.99,000/- (Rs.5,54,000/- - Rs.4,55,000/-), payable with interest at the rate of 7.5% per annum from the date of petition till realization to widow of the deceased, to be invested in fixed deposit for a period of three years.

The appeal is partly allowed in the aforesaid terms.

AUGUST 21, 2019

‘D. Gulati’

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no