

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

211

FAO-8866-2014 (O&M)

Date of decision: 13.11.2019

PARMILA & ORS

... Appellants

Versus

KULDEEP & ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : None for the appellants.
Mr. Amit Kundra, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Satyapal @ Satyawan in a motor vehicular accident that took place on 27.10.2012.

The Tribunal had sent report in pursuance of order dated 23.07.2019 passed by the Court.

The Tribunal awarded Rs.9,35,000/-, detailed hereunder:-

Monthly income of the deceased	Rs.6000/-
Multiplier	15
Deduction for personal expenses	1/4 th
Loss of dependency	Rs.8,10,000/-
Expenses on funeral	Rs.25,000/-
Loss of consortium	Rs.1,00,000/-

The plea of claimants is that deceased was working as Supervisor with Kundu Brothers Bhatta Company. They examined Suresh Kumar PW4 partner of the aforesaid company to prove employment and income of the deceased, reference to material part of testimony of the witness has been made in para 17 of the award. The Tribunal, in pursuance of order dated 23.07.2019 passed by this Court recorded the statement of Jitender Sinha, Senior Social Security Assistant office of EPFO Regional Office, Sector 3, Plot No.1, Rohtak PW5 with regard to deduction/deposit of provident fund in respect of deceased Satyapal @ Satyawan. Taking into consideration testimony of PW5, I do not find any reason to interfere in assessment of income by the Tribunal.

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/- [(6000 x 12 x 15) + (40% future prospects) – (1/4th deduction for personal expenses)].

Under conventional heads, compensation allowed 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.12,04,000/- and additional amount is Rs.2,69,000/- (12,04,000 - 9,35,000), payable with interest @ 7.5% per annum from the date of petition till realization, to minor Aanchal and Shubham in equal ratio, to be invested in fixed deposit till they attain majority or for a period of three years, whichever is later.

The appeal is partly allowed in the aforesaid terms.

13.11.2019

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No