

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

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FAO-6886-2016 (O&M)

Date of decision: 13.05.2019

SUNITA & ANR

... Appellants

Versus

INDERRAJ AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. KR Dhawan, Advocate for the appellants.
Mr. Shashikant Singh, Advocate for
Mr. Kunal Dawar, Advocate for respondents No.1 and 2.
Mr. Sachin Ohri, Advocate for respondent No.3.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Anuja Sharma in a motor vehicular accident that took place on 18.03.2014.

The Tribunal awarded Rs.4,46,000/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.6000/-
2. Multiplier	11
3. Deduction for personal expenses	50%
4. Loss of dependency	Rs.3,96,000/-
5. Funeral expenses and loss of love & affection	Rs.50,000/-

The claimants produced oral and documentary evidence to establish that the deceased was a student of Bachelor of Physiotherapy in 8th semester. The Tribunal, in para 22 of the award, has held that the documents Exs.P1, P2, P5 to P14 show that she was a brilliant student. On perusal of copies of some of the documents with regard to academic performance of the deceased, its difficult to sustain findings of the Tribunal that the deceased was a brilliant student as most of her grades were C and C+. Taking a clue from notification issued by the State of Haryana fixing minimum wage coupled with educational qualification of the deceased, notional income of the deceased is assessed at Rs.7500/- per month. There would be addition in income for future prospects @ 40%. Deduction for personal expenses applied by the Tribunal is correct and affirmed. In view of age of the deceased, admissible multiplier would be 18. In this context,

reference can be made to judgments of Hon'ble the Supreme Court **Sarla Verma & Ors vs Delhi Transport Corp.& Anr, 2009 (3) RCR (Civil) 77, Munna Lal Jain and anr. vs. Vipin Kumar Sharma and ors., 2015 (3) SCC (Civil) 315, National Insurance Company Limited Vs. Pranay Sethi and Ors., 2017 SCC 1270 and M/s Royal Sundaram Alliance Insurance Co. Ltd. Vs. Mandala Yadagari Goud and ors, CA No.6600 of 2015, date of decision 09.04.2019**. 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.15,000/- for funeral expenses.

Total compensation is Rs.11,49,000/- and the additional amount is Rs.7,03,000/- (11,49,000 - 4,46,000), payable with interest @ 7.5% per annum from the date of petition till realization, to mother of the deceased.

The appeal is partly allowed in the aforesaid terms.

13.05.2019

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No