

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

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Date of decision: 08.03.2019

FAO 6948 of 2016 (O&M)

Damanjeet Kaur

.....*Appellant*

Versus

Rajesh Sharma and others

.....*Respondents*

FAO 7119 of 2017 (O&M)

Inderjeet Kaur

.....*Appellant*

Versus

Rajesh Sharma and others

.....*Respondents*

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Namit Khurana, Advocate
for the appellant (FAO 6948 of 2016)

Mr. Rakesh Nagpal, Advocate
for the appellant (FAO 7119 of 2017)

Mr. Sumit Gupta, Advocate
for the respondent Insurance company

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Rekha Mittal, J. (Oral)

This order will dispose of aforesaid appeals as these have been preferred by the widow and mother of the deceased seeking enhancement of compensation on account of death of Gagandeep Singh in a motor vehicular accident that took place on 25.11.2013.

The Tribunal has awarded Rs.48,01,860/-, detailed hereunder:-

-Annual income of the deceased Rs.4,00,000/-

-Tax liability Rs.18,540/-

-Deduction for personal expenses 1/3rd

-Multiplier	18
-Loss of dependency	Rs.45,76,860/-
-Loss of consortium	Rs.1,00,000/-
-Loss to estate	Rs.1,00,000/-
-Funeral expenses	Rs.25,000/-

The sole submission made by counsel for the appellant is that loss of dependency is liable to be assessed by extending benefit of addition in income for future prospects at the rate of 40%.

Counsel representing the insurance company, on the contrary, would urge that compensation allowed under conventional heads may be restricted to Rs.70,000.00 in the light of judgments of Hon'ble the Supreme Court *National Insurance Company Limited v. Pranay Sethi and others, 2017 SCC 1270* and *Sebastiani Lakra and others vs. National Insurance Company Limited and another, 2018 AIR (SC) 5034*.

The annual income of deceased after deducting income tax is Rs.3,81,400/-. The appellants shall be entitle to addition in income for future prospects at the rate of 40%. In this view of matter, loss of dependency is calculated at Rs.64,07,520/- (Rs.68,65,200/- *i.e.* Rs.3,81,400 x 18 + Rs.27,46,080 (40% addition) - Rs.32,03,760.00 (1/3rd)).

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that the appellants shall be entitle to Rs.70,000.00 (Rs.40,000.00 for loss of consortium, Rs.15,000.00 each qua loss to estate and funeral expenses).

Total amount is Rs.64,77,520/- and additional amount is Rs.16,75,660.00 (64,77,520-48,01,860), payable along with interest @ 7.5% per annum from the date of petition till realization. The additional amount

shall be paid to the appellants in same proportion as fixed by the Tribunal and the same shall be invested in fixed deposit for a period of three years.

In view of the above, the appeals are partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

08.03.2019
Mohan Bimbura

Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No