

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

257

FAO-1090-2017 (O&M)

Date of decision: 14.03.2019

SANJOG DEVI AND ORS

... Appellants

Versus

MALA RAM AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Ms. Bhawna Grewal, Advocate for
Mr. SK Yadav, Advocate for the appellants.
Mr. Sanjeev K. Arora, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Mahender Singh in a motor vehicular accident that took place on 24.02.2015.

The Tribunal has awarded Rs.13,59,000/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.9000/-
2. Multiplier	14
3. Deduction for personal expenses	1/4 th
4. Loss of dependency	Rs.11,34,000/-
5. Expenses on funeral	Rs.25,000/-
6. Loss of consortium	Rs.1,00,000/-
7. Loss of love and affection	Rs.1,00,000/-

Claimants shall be entitle to addition in income for future prospects @ 25%. Income of the deceased, multiplier and deduction for personal expenses applied by the Tribunal are correct and affirmed. In this manner, loss of dependency is calculated at Rs.14,17,500/- [(9000 x 12 x 14) + (25% future prospects) – (1/4th 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/- in the light of judgments of Hon'ble the Supreme Court **National Insurance Company Limited Vs. Pranay Sethi and Ors., 2017 SCC 1270** and **Sebastiani Lakra and others vs. National Insurance**

Company Limited and another AIR 2018 SC 5034, 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.14,87,500/- and the additional amount is Rs.1,28,500/- (14,87,500 - 13,59,000), payable with interest @ 7.5% per annum from the date of petition till realization, in terms of award passed by the Tribunal.

The appeal is partly allowed in the aforesaid terms.

14.03.2019
ashok

(REKHA MITTAL)
JUDGE

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