IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

249 FAO-1155-2017 (O&M)

Date of decision: 13.05.2019

SHAMSHER KAUR AND ORS ... Appellants

Versus

MANJINDER PAL SINGH AND ANR ... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Rajnikant Upadhyay, Advocate for the appellants.
Mr. SS Sidhu, Advocate for the insurance company.
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REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Ravinder Singh in a motor vehicular accident that took place on 09.06.2014.

The Tribunal awarded Rs.37,93,764/-, detailed hereunder:-

1. Annual income of the deceased	Rs.2,62,229/-
2. Addition in income for future prospects	15%
3. Multiplier	16
4. Deduction for personal expenses	1/4th
5. Loss of dependency	Rs.31,46,752/-
6. Expenses on funeral	Rs.25,000/-
7. Loss of consortium	Rs.1,00,000/-
8. Loss of love and affection	Rs.50,000/-

The annual income of the deceased is Rs.2,62,229/-. After deducting income tax of Rs.1222/-, annual income available for computing loss of dependency comes to Rs.2,61,007/-. Claimants shall be entitle to addition in income for future prospects @ 50% as the deceased was working as Sepoy in Indian Army and he was less than 40 years of age. Multiplier applied by the Tribunal is correct and affirmed.

The Tribunal has applied cut of 1/4th for personal and living expenses of the deceased. The application for compensation has been filed by the widow, minor son and parents of deceased Ravinder Singh. There is nothing on record suggestive of the fact that father of the deceased had any disability to render him unable to earn and support his family. In the given circumstances, admissible deduction for personal expenses would be 1/3rd.

In view of the above, loss of dependency is calculated at

Rs.41,76,112/- [(2,61,007 x 16) + (50% future prospects) – (1/3rd 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/-, 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.42,46,112/- and the additional amount is Rs.4,52,348/- (42,46,112 - 37,93,764), payable with interest @ 7.5% per annum from the date of petition till realization, to the widow, minor child and mother of the deceased in the ratio 20:70:10. The amount falling to share of minor shall be invested in fixed deposit payable on his attaining majority or for a period of three years, whichever is later.

The appeal is disposed of in the aforesaid terms.

13.05.2019 **(REKHA MITTAL)**
ashok **JUDGE**

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