

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

229

Date of decision: 31.10.2019

FAO No.8165 of 2015 (O&M)

Harjinder Kaur and others

... Appellants

Versus

Satyam Prayas and others

... Respondents

FAO No.8167 of 2015 (O&M)

Balvinder Kaur and others

... Appellants

Versus

Satyam Prayas and others

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Drupad Sangwan, Advocate for
Mr. Rose Gupta, Advocate for the appellants.
Mr. JS Chatrath, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

This order will dispose of FAO Nos.8165 and 8167 of 2015 as these have emerged out of the same award dated 31.07.2015 passed by the Motor Accidents Claims Tribunal, Hisar whereby compensation has been assessed on account of death of Gurcharan and Mohavinder Singh in a motor vehicular accident that took place on 02.05.2014.

FAO No.8165 of 2015 has been filed by the claimants Harjinder Kaur and others seeking enhancement of compensation on account of death of Gurcharan whereas the other appeal has been filed in regard to additional compensation in respect of death of Mohavinder Singh.

FAO No.8165 of 2015

The Tribunal awarded Rs.11,95,000/-, detailed hereunder:-

Monthly income of the deceased	Rs.7500/-
Multiplier	14
Deduction for personal expenses	1/4 th
Loss of dependency	Rs.9,45,000/-
Expenses on funeral and transportation	Rs.25,000/-
Loss of estate and loss of consortium	Rs.1,00,000/-
Loss of love and affection	Rs.1,00,000/-
Cost of litigation	Rs.25,000/-

Appellants shall be entitle to addition in income for future prospects @ 25%. In this manner, loss of dependency is calculated at

Rs.11,81,250/- [(7500 x 12 x 14) + (25% future prospects) – (1/4th deduction for personal expenses)].

Under conventional heads, the Tribunal has awarded Rs.2,25,000/-. 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**, same is modified and appellants are granted 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.12,51,250/- besides Rs.25,000/- towards cost of litigation and additional amount is Rs.81,250/- (12,51,250 - 11,70,000), payable with interest @ 7.5% per annum from the date of petition till realization, to children of the deceased 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.

FAO No.8167 of 2015

The Tribunal awarded Rs.7,80,000/-, detailed hereunder:-

Monthly income of the deceased	Rs.7500/-
Multiplier	14
Deduction for personal expenses	50%
Loss of dependency	Rs.6,30,000/-
Expenses on funeral and transportation	Rs.25,000/-
Loss of love and affection	Rs.1,00,000/-
Cost of litigation	Rs.25,000/-

Claimants shall be entitle to addition in income for future prospects @ 40%. The deceased was 20 years old, therefore, admissible multiplier is 18. 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, the Tribunal has awarded Rs.1,25,000/-. In view of discussion made hereinbefore in FAO No.8165 of 2015, compensation allowed under conventional heads is modified to the effect that claimants shall be entitle to Rs.30,000/-, detailed hereunder:-

1. Expenses on last rites	Rs.15,000/-
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2. Loss of estate

Rs.15,000/-

Total compensation is Rs.11,64,000/- besides Rs.25,000/- towards cost of litigation and additional amount is Rs.4,09,000/- (11,64,000 – 7,55,000), payable with interest @ 7.5% per annum from the date of petition till realization, to mother of the deceased, to be invested in fixed deposit for two years.

The appeal is partly allowed in the aforesaid terms.

31.10.2019

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(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No