IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

217 FAO-8258-2015 (O&M)

Date of decision: 15.05.2019

DEEPTI AND ANR ... Appellants

Versus

SHASHI BHATI AND ANR ... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Kartar Singh Malik, Advocate for the appellants.
Mr. Deepak Suri, 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 Sachin in a motor vehicular accident that took place on 24.11.2012.

The Tribunal awarded Rs.50,21,000/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.40,000/-
2. Income after deduction of tax, addition for future prospects and deduction for personal expenses	Rs.24,000/-
3. Multiplier	17
4. Loss of dependency	Rs.48,96,000/-
5. Expenses on funeral	Rs.25,000/-
6. Loss of consortium	Rs.1,00,000/-

Counsel for the appellants would argue that though in para 30 of the award, there is reference to addition in income for future prospects @ 50% but as a matter of fact no such benefit has been extended while calculating loss of dependency.

Counsel representing the insurance company has conceded to this position.

The Tribunal, in para 30 of the award, has noticed that Sachin was earlier employed as House Manager with Chhatishgarh Bhagwan, New Delhi on contract basis at salary of Rs.27,132/- per month. At the time of his death, he was employed as Catering and House Keeping Manager with ZEB Facility Management Ltd. Okhla, New Delhi at salary of Rs.40,000/- per month and salary of 23 days was paid to his wife against receipt Ex.P17. Accordingly, income of the deceased is assessed at Rs.40,000/- per month.

The annual income comes to Rs.4,80,000/-. After deducting income tax (Rs.28,000/-), net annual income is Rs.4,52,000/-. Appellants shall be entitle to addition in income for future prospects @ 40%. Deduction for personal expenses allowed by the Tribunal is correct and affirmed and so also the multiplier applied by the Tribunal. In this manner, loss of dependency is calculated at Rs.71,71,733/- [(4,52,000 x 17) + (40% 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.72,41,733/- and the additional amount is Rs.22,20,733/- (72,41,733 - 50,21,000) payable with interest @ 7.5% per annum from the date of petition till realization, to be shared by the appellants in equal ratio.

The appeal is partly allowed in the aforesaid terms.

15.05.2019 **(REKHA MITTAL)**
ashok **JUDGE**

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