

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

FAO No. 745 of 2016(O&M)

Date of decision: 5.2.2019

Babita and others

.....Appellants

VERSUS

Kumhar Laxman Lal and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Gulshan Nandwani, Advocate for the appellants.

Mr. R.C. Gupta, Advocate for insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation awarded by Motor Accidents Claims Tribunal, Rewari (in short 'the Tribunal') on account of death of Parvinder in a motor vehicular accident that took place on 14.12.2013.

The Tribunal has awarded compensation of Rs.11,40,000/- detailed hereunder:-

Monthly income of the deceased	Rs.9000/-
Deduction for personal expenses	1/3 rd
Multiplier	15
Loss of dependency	Rs.10,80,000/-
Loss of consortium	Rs.30,000/-
Transportation, funeral expenses and last rites	Rs.10,000/-
Loss of love and affection	Rs.20,000/-

Claimants shall be entitle to addition in income for future prospects at the rate of 40%. Income of the deceased, deduction for personal expenses and multiplier applied by the Tribunal are correct and affirmed. In this manner, loss of dependency comes to Rs.15,12,000/- [Rs.16,20,000/- (Rs.9000 x 12 x 15) + Rs.6,48,000/- (40% addition towards future prospects) – Rs.7,56,000/- (1/3rd deduction towards personal expenses)].

Under conventional heads, compensation awarded by the Tribunal is modified to the effect that the claimants shall be entitled to Rs.70,000/- detailed hereunder:-

Loss of consortium	Rs.40,000/-
Funeral expenses	Rs.15,000/-
Loss to estate	Rs.15,000/-

In view of the above, total compensation is Rs.15,82,000/- and the additional amount is Rs.4,42,000/- (Rs.15,82,000/- - Rs.11,40,000/-) payable with interest at the rate of 7.5% per annum from the date of petition till realization, to be shared by widow and minor child of the deceased in ratio 30:70. The amount falling to share of the minor shall be invested in fixed deposit by the Tribunal till he attain majority or for a period of three years, whichever is later.

The appeal is partly allowed in the aforesaid terms.

FEBRUARY 5, 2019
'D. Gulati'

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no