IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

245 FAO-1873-2017 (O&M)

Date of decision: 22.11.2019

RAJBIR JAIN AND ANR. ... Appellants

Versus

VIKRAM AND ORS. ... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Rajesh Dhiman, Advocate for
Mr. Rahul Deswal, Advocate for the appellants.

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REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Shubham Jain in a motor vehicular accident that took place on 10.05.2014.

Notice of motion to the insurance company.

Mr. Rajneesh Malhotra, Advocate has filed vakalatnama on behalf of the insurance company.

The Tribunal awarded Rs.8,91,000/-, detailed hereunder:-

Monthly income of the deceased	Rs.8000/-
Multiplier	17
Deduction for personal expenses	50%
Loss of dependency	Rs.8,16,000/-
Expenses on funeral, loss of estate and conveyance charges	Rs.25,000/-
Loss of love and affection	Rs.50,000/-

The plea of claimants is that deceased was earning Rs.15,000/- per month by giving coaching/tuitions. The Tribunal has noticed that claimants failed to adduce sufficient evidence to prove avocation and income of the deceased. However, the claimants produced one certificate purported to be issued under the signatures of Director General, CBS Group of Institutions, Fatehpuri, Jhajjar, Haryana with regard to deceased being a student of BCA-Ist year in the academic year 2013-14. They neither examined any witness of the aforesaid institution nor produced any documentary evidence with regard to admission or payment of fee etc. to the said institution. In the given circumstances, there is no justification for allowing addition in monthly income of the deceased. Claimants shall be entitle to addition in income for future prospects @ 40%. Deduction for personal expenses allowed by the Tribunal is correct and affirmed. As the deceased was less than 25 years of age, admissible multiplier is 18. In this manner, loss of dependency is calculated at Rs.12,09,600/- [(8000 x 12 x 18) + (40% future prospects) – (50% deduction for personal expenses)].

Under conventional heads, compensation awarded is modified to the effect that claimants shall be entitle to Rs.30,000/-, detailed hereunder:-

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

Total compensation is Rs.12,39,600/- and additional amount is Rs.3,48,600/- (12,39,600 - 8,91,000), 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 a period of two years.

The appeal is partly allowed in the aforesaid terms.

22.11.2019 **(REKHA MITTAL)**
ashok **JUDGE**

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