

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

FAO No. 2175 of 2017(O&M)

Date of decision: 17.5.2019

Mahindro Devi and anotherAppellants

VERSUS

Mohan Parsad and othersRespondents

CORAM: **HON'BLE MRS. JUSTICE REKHA MITTAL**

Present: Mr. Jyoti P. Sharma, Advocate for the appellants.

 Mr. Sanjiv Pabbi, Advocate for respondent No.3.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation awarded by Motor Accidents Claims Tribunal, Karnal (in short 'the Tribunal') on account of death of Mukesh @ Mukesh Kumar in a motor vehicular accident that took place on 06.02.2016.

The Tribunal awarded Rs.6,45,000/- detailed hereunder:-

Notional annual income of the deceased	Rs.30000/-
Multiplier	14
Loss of dependency	Rs.4,20,000/-
Loss of love and affection	Rs.2,00,000/- (Rs.1 lakh each)
Expenses on funeral	Rs.25000/-

Mukesh Kumar was 17 years old and a student of 9th standard at the time of his death. Taking into consideration age of the deceased

coupled with his educational qualification, income of the deceased is assessed at Rs.8000/- per month. The appellants shall be entitle to addition in income for future prospects at the rate of 40%. In this context reference can be made to judgment of this Court **National Insurance Company Ltd. Vs. Pushpa Singh Chauhan and others, FAO No.1502 of 2015, decided on 20.03.2015** whereby this Court affirmed computation of compensation by the Tribunal in regard to death of a student of B.Tech. Mechanical in Chander Mohan Jha University, Shilong (Meghalya) i.e. income assessed at Rs.10,000/- per month and benefit of future prospects @ 50%. The said judgment became subject matter of challenge before Hon'ble the Supreme Court in Special Leave Petition (C) S. No.19533 of 2015. Hon'ble the Apex Court dismissed the appeal with the findings that no legal and valid ground for interference is made out.

Deduction for personal expenses would be 50% but multiplier is taken as 18. In this manner, loss of dependency comes to Rs.12,09,600/- [Rs.17,28,000/- (Rs.8000 x 12 x 18) + Rs.6,91,200/- (40% addition towards future prospects) – Rs.12,09,600/- (50% deduction towards personal expenses)].

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that appellants shall be entitle to Rs.30,000/- detailed hereunder:-

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

In view of the above, total compensation comes to Rs.12,39,600/- and the additional amount is Rs.5,94,600/- (Rs.12,39,600/- - Rs.6,45,000/-) payable with interest at the rate of 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 three years.

The appeal is partly allowed in the aforesaid terms.

MAY 17, 2019		(REKHA MITTAL)
‘D. Gulati’		JUDGE
Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no