In the High Court of Punjab and Haryana at Chandigarh

FAO- 2176 of 2017 (O&M)
Date of Decision: 3.10.2019

Charanjit Kaur and others
---Appellants

versus

Amrik Singh and others
---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Abhishek Sanghi, Advocate
for the appellants
Ms. Priya Deep, Advocate,
for Mr. Sanjeev Kodan, Advocate
for the insurance company

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Rekha Mittal, J.
CM No. 7263-CII of 2017

Allowed as prayed for.

Delay of 53 days in filing the appeal stands condoned.

Main case

The claimants are in appeal seeking enhancement of compensation on account of death of Gurjant Singh in a motor vehicular accident that took place on 25.11.2014.

The Motor Accidents Claims Tribunal, Patiala (in short “the Tribunal”) awarded Rs.14,49,000/-, detailed hereunder:-

Monthly income of the deceased	Rs. 8000/-
Deduction for personal expenses	1/4th
Multiplier	17
Loss of dependency	Rs. 12,24,000/-
Loss of consortium to widow	Rs. 1,00,000/-
Loss of love and affection	Rs. 1,00,000/-
Funeral expenses	Rs. 25,000/-

The sole submission made by counsel for the appellants is that claimants are entitle to addition in income for future prospects.

Counsel for the insurance company, on the contrary, would argue that compensation allowed under conventional heads may be restricted to Rs. 70,000/- in the light of judgment of Hon'ble the Supreme Court **National Insurance Company Limited vs. Pranay Sethi and others 2017 SCC 1270**.

Claimants shall be entitle to increase in income for future prospects @ 40%. The Tribunal has deducted $1/4^{th}$ for personal and living expenses. The claim has been preferred by widow, minor daughter and parents of deceased. There is nothing on record suggestive of the fact that father of deceased was dependent upon him. That being so, admissible deduction for personal expenses would be $1/3^{rd}$. In this manner, loss of dependency is calculated at Rs. 15,23,200/-[(8000x12x17) + (40% thereof) – ($1/3^{rd}$)].

Under conventional heads, compensation allowed is modified to the effect that claimants shall be entitle to Rs. 70,000/-, detailed hereunder:-

Loss of consortium	Rs. 40,000/-
Expenses on funeral	Rs. 15,000/-
Loss of estate	Rs. 15,000/-

Total compensation is Rs. 15,93,200/- and the additional amount is Rs. 1,44,200/- payable with interest @ 7.5% per annum from the date of petition till realization to Manpreet Kaur, minor daughter of deceased, to be invested in fixed deposit till she attains majority or for a period of three years, whichever is later. Interest accruing on the FDR shall be paid to mother of the minor for meeting her expenses.

The appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

3.10.2019
PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No