

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

228

FAO-874-2016 (O&M)

Date of decision: 25.01.2019

GANGA DEVI AND ORS.

... Appellants

Versus

PARVEEN KUMAR AND ORS.

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Arun Singal, Advocate for the appellants.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Rajneesh in a motor vehicular accident that took place on 13.04.2012.

The Tribunal has awarded compensation of Rs.8,73,500/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.4500/-
2. Multiplier	17
3. Deduction for personal expenses	1/4 th
4. Loss of dependency	Rs.6,88,500/-
5. Expenses on funeral	Rs.25,000/-
6. Loss of consortium	Rs.1,00,000/-
7. Transportation expenses	Rs.10,000/-
8. Loss of love and affection	Rs.50,000/-

The Tribunal has not extended benefit of addition in income for future prospects. As the deceased was 30 years old, claimants are allowed addition in income for future prospects @ 40%. Deduction for personal expenses, multiplier and income of the deceased assessed by the Tribunal are correct and affirmed. In this manner, loss of dependency is calculated at Rs.9,63,900/- [(4500 x 12 x 17) + (40% future prospects) – (1/4th 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/- in the light of judgments of Hon'ble the Supreme Court **National Insurance Company Limited Vs. Pranay Sethi and Ors., 2017 SCC 1270** and **Sebastiani Lakra and others vs. National Insurance Company Limited and another AIR 2018 SC 5034**, 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.10,33,900/- and the additional amount is Rs.1,60,400/- (10,33,900 - 8,73,500), payable with interest @ 7.5% per annum from the date of petition till realization, to Smt. Ganga Devi, widow of the deceased.

The appeal is partly allowed in the aforesaid terms.

25.01.2019

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No