

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

-.-

FAO 2886 of 2017 (O&M)

Date of decision: 18.09.2019

Manjeet and others

.....Appellants

Versus

Shamsher Singh and others

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: None for the appellants

Mr. Punit Jain, Advocate
for the insurance company

-.-

Rekha Mittal, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Harpal Singh in a motor vehicular accident that took place on 16.03.2016.

The Tribunal awarded Rs.12,01,280.00 (rounded off to Rs.12,02,000.00), detailed hereunder:-

-Monthly income of the deceased	Rs.7,995/-
-Deduction for personal expenses	1/3 rd
-Multiplier	18
-Loss of dependency	Rs.11,51,280/-
-Funeral expenses	Rs.50,000/-

The plea of claimants is that deceased was working as Security Guard in Axis Bank thereby earning Rs.21,000/- per month. They examined Varun Kumar, Assistant Manager, Axis Bank, Dhand Road, Mirzapur Branch, Kurukshetra (PW3) and he proved salary certificate for the months of December 2015 to March 2016 Ex.PW3/A to Ex.PW3/D, according to

which, the deceased was drawing salary of Rs.7,995.00 per month and accordingly, income of the deceased has been assessed by the Tribunal. The claimants shall be entitle to benefit of addition in income for future prospects @ 40%. Deduction for personal expenses and multiplier applied by the Tribunal are correct and affirmed. In this manner, loss of dependency is Rs.16,11,792.00 [Rs.17,26,920.00 *i.e.* 7,995 x 12 x 18 + Rs.6,90,768.00 (40% addition in income) – Rs.8,05,896.00 (1/3rd deduction)].

Under conventional heads, claimants shall be entitle to Rs.70,000.00 (Rs.40,000.00 for loss of consortium, Rs.15,000.00 each qua loss to estate and funeral expenses), in the light of judgments of Hon'ble the Supreme Court *National Insurance Company Limited v. Pranay Sethi and others, 2017 SCC 1270* and *Sebastiani Lakra and others vs. National Insurance Company Limited and another, 2018 AIR (SC) 5034*.

Total compensation is Rs.16,81,792.00 (Rs.16,11,792.00 + Rs.70,000.00) and additional amount is Rs.4,79,792.00 (Rs.16,81,792.00-Rs.12,02,000.00), payable with interest @ 7.5% per annum from the date of petition till realization to Paridhi Kush, minor daughter of the deceased, to be invested in fixed deposit till she attains majority or for a period of three years, whichever is later and interest accruing thereon shall be paid to the mother for meeting her expenses.

For the foregoing reasons, the appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

18.09.2019

Mohan Bimbura

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