

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

234

FAO-3324-2017 (O&M)

Date of decision: 26.09.2019

KELASO DEVI AND ORS

... Appellants

Versus

SHER SINGH AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Ms. Monika Singh, Advocate for the appellants.
Mr. Karan Sachdeva, Advocate for respondent No.3.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Mahipal in a motor vehicular accident that took place on 10.11.2013

The Tribunal awarded Rs.11,40,000/-, detailed hereunder:-

Monthly income of the deceased	Rs.6000/-
Multiplier	15
Deduction for personal expenses	1/4 th
Loss of dependency	Rs.8,10,000/-
Expenses on funeral	Rs.25,000/-
Loss of estate	Rs.5000/-
Loss of consortium	Rs.1,00,000/-
Loss of love and affection	Rs.2,50,000/-
	(Rs.50,000/- each)

Claimants shall be entitle to addition in income for future prospects @ 40%. Income of the deceased, multiplier and deduction for personal expenses applied by the Tribunal are correct and affirmed. In this manner, loss of dependency is calculated at Rs.11,34,000/- [(6000 x 12 x 15) + (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/-, 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.12,04,000/- and additional amount is Rs.64,000/- (12,04,000 - 11,40,000), payable with interest @ 7.5% per annum from the date of petition till realization, to Govind minor son of the

deceased, to be invested in fixed deposit till he attains majority or for a period of three years, whichever is later.

The appeal is partly allowed in the aforesaid terms.

26.09.2019

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No