IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

235 FAO No.4109 of 2017 (O&M)

Date of decision: 17.09.2019

ROSHAN LAL AND ANR. ... Appellants

Versus

RAM MEHAR AND ORS. ... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Sandeep Goyal, Advocate for the appellants.
Mr. Pankaj Mehta, Advocate for the insurance company.
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REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Mandeep in a motor vehicular accident that took place on 13.07.2014.

The Tribunal awarded Rs.10,92,000/-, detailed hereunder:-

Monthly income of the deceased	Rs.9000/-
Multiplier	18
Deduction for personal expenses	50%
Loss of dependency	Rs.9,72,000/-
Loss of love and affection	Rs.50,000/-
Funeral, transportation and other expenses	Rs.70,000/-

The sole submission made by counsel for the claimants is that benefit of addition in income for future prospects may be extended.

Counsel representing the insurance company, on the contrary, would argue that income of the deceased assessed by the Tribunal is on higher side and needs modification. Compensation allowed under conventional heads may be restricted to Rs.30,000/- in the light of judgment of Hon'ble the Supreme Court **National Insurance Company Limited Vs. Pranay Sethi and Ors., 2017 SCC 1270**.

The plea of claimants is that deceased was helping his father in agricultural work and also doing dairy farming besides studying. The Tribunal has noticed that perusal of documents Exs.P13 and P14 would prove that deceased was a Graduate. It has further been noticed that the family had agricultural land and live stock. The Tribunal in para 9 of the award has taken note of the documents produced by the claimants but there is no reference to any document with regard to agricultural land owned by family of the deceased. Taking a clue from notification issued by the State of Haryana coupled with educational qualification of the deceased, income of the deceased is assessed at Rs.8000/- per month. Claimants shall be entitle to addition in income for future prospects @ 40%. Multiplier and deduction for personal expenses applied by the Tribunal are correct and affirmed. In this manner, loss of dependency is calculated at Rs.12,09,600/- [(8000 x 12 x 18) + (40% future prospects) – (50% deduction for personal expenses)].

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

1. Expenses on last rites	Rs.15,000/-
2. Loss of estate	Rs.15,000/-

Total compensation is Rs.12,39,600/- and additional amount is Rs.1,47,600/- (12,39,600 - 10,92,000), payable with interest @ 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 two years.

The appeal is partly allowed in the aforesaid terms.

17.09.2019 **(REKHA MITTAL)**
ashok **JUDGE**

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