

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

237

FAO-4940-2017 (O&M)

Date of decision: 19.12.2019

MAMTA AND ORS

... Appellants

Versus

TAJPAL AND ORS.

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Chanderhas Yadav, Advocate for the appellant.
Mr. Ajay Singla, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Pappu in a motor vehicular accident that took place on 14.05.2015.

The Tribunal awarded Rs.11,43,000/-, detailed hereunder:-

Monthly income of the deceased	Rs.7000/-
Multiplier	16
Deduction for personal expenses	1/4 th
Loss of dependency	Rs.10,08,000/-
Expenses on funeral	Rs.25,000/-
Loss of consortium	Rs.50,000/-
Loss of love and affection	Rs.60,000/-

The sole submission made by counsel for the appellants is that the Tribunal has not extended benefit of addition in income for future prospects.

Counsel representing the insurance company, on the contrary, would argue that compensation allowed under conventional heads may be restricted to Rs.70,000/-. For this purpose, reference has been made to 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**.

Contention raised by counsel for the appellants with regard to entitlement of the claimants to addition in income for future prospects is meritorious and the same is granted. Claimants shall be entitle to addition in income for future prospects @ 40%. Other criteria followed by the Tribunal

for computing loss of dependency is correct and affirmed. In this manner, loss of dependency is calculated at Rs.14,11,200/- [(7000 x 12 x 16) + (40% future prospects) – (1/4th deduction for personal expenses)].

Under conventional heads, compensation allowed 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.14,81,200/- and additional amount is Rs.3,38,200/- (14,81,200 - 11,43,000), payable with interest @ 7.5% per annum from the date of petition till realization, to Gautam and Simran minor children of the deceased in equal ratio, to be invested in fixed deposit till they attain majority or for a period of three years, whichever is later.

The appeal is partly allowed in the aforesaid terms.

19.12.2019

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No