

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

FAO No. 6798 of 2017(O&M)

Date of decision: 18.9.2019

The Oriental Insurance Co. Ltd.Appellant

VERSUS

Saroj Devi and othersRespondents

CORAM: **HON'BLE MRS. JUSTICE REKHA MITTAL**

Present: Mr. Pardeep Kumar, Advocate for
Mr. Sanjiv Pabbi, Advocate for the appellant.

Ms. Sumati Jund, Advocate for respondents No.1 to 6.

REKHA MITTAL, J.(Oral)

Challenge in the present appeal has been directed against award dated 11.07.2017 passed by the Motor Accidents Claims Tribunal, S.A.S. Nagar, (Mohali) (in short 'the Tribunal') whereby compensation has been assessed on account of death of Sudhir Paswan in a motor vehicular accident that took place on 20.07.2016.

Counsel for the insurance company would inform that the appeal has been preferred to assail only quantum of compensation.

The Tribunal awarded Rs.18,28,800/- detailed hereunder:-

Monthly income of the deceased	Rs.7920/-
Deduction for personal expenses	1/4 th
Multiplier	15
Addition in income for future prospects	50%
Loss of dependency	Rs.16,03,800/-

Loss of love and affection	Rs.1,00,000/-
Loss of consortium to widow	Rs.1,00,000/-
Funeral expenses	Rs.25,000/-

Counsel for the appellant would argue that addition in income for future prospects and compensation allowed under conventional heads may be modified in the light of judgment of Hon'ble the Supreme Court **National Insurance Company Ltd. Vs. Pranay Sethi and others, 2017 SCC 1270.**

Counsel representing the claimants, on the contrary, has supported assessment made by the Tribunal.

The deceased was born on 09.07.1975 and as such he was more than 41 years old at the time of his death on 20.07.2016. That being so, admissible addition in income for future prospects would be 25% and multiplier to the tune of 14. Deduction for personal expenses allowed by the Tribunal is correct and affirmed. Accordingly, loss of dependency is calculated at Rs.12,47,400/- [Rs.13,30,560/- (Rs.7920 x 12 x 14) + Rs.3,32,640/- (25% addition towards future prospects) – Rs.4,15,800/- (1/4th deduction towards 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:-

Loss of consortium	Rs.40,000/-
Funeral expenses	Rs.15,000/-
Loss of estate	Rs.15,000/-

In view of the above, total compensation is Rs.13,17,400/- and compensation awarded by the Tribunal is reduced to the extent of

Rs.5,11,400/- (Rs.18,28,800/- - Rs.13,17,400/-). The insurance company shall be entitle to recover the excess amount, if already paid, by filing an application before the Tribunal.

The appeal is partly allowed in the aforesaid terms.

SEPTEMBER 18, 2019		(REKHA MITTAL)
‘D. Gulati’		JUDGE
Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no