

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

240

FAO-8143-2017 (O&M)

Date of decision: 16.10.2019

CHAMELI DEVI AND ORS

... Appellants

Versus

DHAN SINGH AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. KS Dhanora, Advocate for the appellants.
None for the insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Balwan in a motor vehicular accident that took place on 29.06.2016.

The Tribunal awarded Rs.12,80,000/-, detailed hereunder:-

Monthly income of the deceased	Rs.7976/-
Multiplier	14
Deduction for personal expenses	1/4 th
Loss of dependency	Rs.10,04,976/-
	(rounded off to Rs.10,05,000/-)
Expenses on funeral and transportation	Rs.25,000/-
Loss of consortium	Rs.1,00,000/-
Loss of love and affection to claimants No.2 to 5	Rs.1,00,000/-
Loss of love and affection to claimant No.6	Rs.50,000/-

Claimants shall be entitle to addition in income for future prospects @ 25%. Multiplier and deduction for personal expenses applied by the Tribunal are correct and affirmed. In this manner, loss of dependency is calculated at Rs.12,56,220/- [(7976 x 12 x 14) + (25% future prospects) – (1/4th deduction for personal expenses)].

Under conventional heads, compensation awarded is modified to the effect that claimants shall be entitle to Rs.70,000/- in the light of 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**, detailed hereunder:-

1. Loss of consortium	Rs.40,000/-
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2. Loss of estate Rs.15,000/-

3. Funeral expenses Rs.15,000/-

Total compensation is Rs.13,26,220/- and additional amount is Rs.46,220/- (13,26,220 - 12,80,000), payable with interest @ 7.5% per annum from the date of petition till realization, to widow of the deceased.

The appeal is partly allowed in the aforesaid terms.

16.10.2019

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No