

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

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FAO No.568 of 2018 (O&M)

Date of decision: 07.03.2019

BIMLA & ORS.

... Appellants

Versus

HANS RAJ & ORS.

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Ajay Aggarwal, Advocate for
Mr. Sandeep Goyat, Advocate for the appellants.

Ms. Priya Deep, Advocate for
Mr. Ashwani Talwar, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Bhoop Singh @ Bhupender Singh in a motor vehicular accident that took place on 06.09.2015.

The Tribunal has awarded Rs.21,95,000/-, detailed hereunder:-

1. Annual income of the deceased	Rs.1,96,944/-
2. Multiplier	13
3. Deduction for personal expenses	1/4 th
4. Loss of dependency	Rs.19,20,000/-
5. Expenses on funeral	Rs.25,000/-
6. Loss of love and affection to children	Rs.1,00,000/-
7. Loss of love and affection to mother	Rs.50,000/-
8. Loss of consortium	Rs.1,00,000/-

Claimants shall be entitle to addition in income for future prospects @ 25%. Income of the deceased, deduction for personal expenses and multiplier applied by the Tribunal are correct and affirmed. In this manner, loss of dependency is calculated at Rs.24,00,255/- [(1,96,944 x 13) + (25% future prospects) – (1/4th deduction for personal expenses)].

Under conventional heads, the Tribunal has awarded Rs.2,75,000/-, detailed hereinbefore. Claimants shall be entitle to Rs.70,000/- in the light of latest judgments of Hon'ble the Supreme Court **National Insurance Company Limited vs. Pranay Sethi and others 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/- |
| 2. Loss of estate | Rs.15,000/- |
| 3. Funeral expenses | Rs.15,000/- |

Total compensation is Rs.24,70,255/- and the additional amount is Rs.2,75,255/- (24,70,255 - 21,95,000), payable with interest @ 7.5% per annum from the date of petition till realization, to widow of the deceased, to be invested in fixed deposit for a period of three years.

The appeal is partly allowed in the aforesaid terms.

07.03.2019

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No