

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

225

FAO-5164-2016 (O&M)

Date of decision: 04.09.2019

JASVIR KAUR AND ANR

... Appellants

Versus

RAM ASRA AND ORS

... Respondents

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

Present : Mr. SK Biriwal, Advocate for the appellants.  
Mr. Gurmeet S. Guri, Advocate for respondent No.1.  
None for respondent No.2.

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**REKHA MITTAL, J. (Oral)**

The claimants are in appeal seeking enhancement of compensation on account of death of Sandeep Singh in a motor vehicular accident that took place on 15.04.2013.

The Tribunal awarded Rs.6,15,000/-, detailed hereunder:-

|                                 |               |
|---------------------------------|---------------|
| Monthly income of the deceased  | Rs.5000/-     |
| Multiplier                      | 18            |
| Deduction for personal expenses | 50%           |
| Loss of dependency              | Rs.5,40,000/- |
| Expenses on funeral             | Rs.25,000/-   |
| Loss of love and affection      | Rs.50,000/-   |

Claimants shall be entitle to addition in income for future prospects @ 40%. The other criteria adopted by the Tribunal for assessing loss of dependency is correct and affirmed. In this manner, loss of dependency is calculated at Rs.7,56,000/- [(5000 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.7,86,000/- and additional amount is Rs.1,71,000/- (7,86,000 – 6,15,000), 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 three years.

The Tribunal has awarded interest @ 6% per annum but failure to pay compensation within 30 days would entail adverse consequence of payment of interest @ 9% per annum. This penal clause with regard to interest cannot sustain in the light of judgment of Hon'ble the Supreme Court **National Insurance Co. Ltd. Vs. Keshav Bahadur and ors., 2004 (2) RCR (Civil) 99**. The amount of compensation assessed by the Tribunal shall carry interest @ 7.5% per annum from the date of petition till realization.

The appeal is partly allowed in the aforesaid terms.

04.09.2019

ashok

**(REKHA MITTAL)**  
**JUDGE**

Whether speaking/reasoned:  
Whether reportable:

Yes / No  
Yes / No