

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

Date of decision: 01.02.2019

FAO No.252 of 2017 (O&M)

Jasveer Kaur and another

... Appellants

Versus

Surjit Singh and others

... Respondents

FAO No.254 of 2017 (O&M)

Karamjeet Kaur and another

... Appellants

Versus

Surjit Singh and others

... Respondents

FAO No.405 of 2017 (O&M)

Jasveer Kaur and another

... Appellants

Versus

Surjit Singh and others

... Respondents

FAO No.406 of 2017 (O&M)

Gurmit Kaur and another

... Appellants

Versus

Surjit Singh and others

... Respondents

FAO No.592 of 2017 (O&M)

Gurmail Kaur and others

... Appellants

Versus

Surjit Singh and others

... Respondents

FAO No.1475 of 2017 (O&M)

Ranjit Kaur and others

... Appellants

Versus

Surjit Singh and others

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Pankaj Katia, Advocate for the appellants.
Mr. Gopal Mittal, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

This order will dispose of FAO Nos.252, 254, 405, 406, 592 and 1475 of 2017 as these have emerged out of the same accident that took place on 23.07.2015 when the victims were on their way to Gurudwara Shri Manikaran Sahib while travelling in bus No.PB-19H/3085 and the bus fell in river Parvati.

Counsel for the parties are ad idem that the appeals may be disposed of in terms of order passed in FAO No.505 of 2017 'Gumail Kaur and others Vs. Surjit Singh and others' by allowing appropriate addition for future prospects, multiplier, deduction for personal expenses and compensation under conventional heads.

FAO No.252 of 2017

CM No.787-CII of 2017

Heard.

Allowed as prayed for. Delay of 31 days in filing the appeal stands condoned.

Main Case

I have gone through findings of the Tribunal recorded in para 13 and found that there is no justification for increase in income of the deceased. Claimants shall be entitle to addition in income for future

prospects @ 40%. Multiplier and deduction for personal expenses applied by the Tribunal are correct and affirmed. In this manner, loss of dependency is calculated at Rs.10,58,400/- [(7000 x 12 x 18) + (40% future prospects) – (50% deduction for personal expenses)].

Under conventional heads, claimants shall be entitle to Rs.1,10,000/-, detailed hereunder:-

- | | |
|---|------------------------------------|
| 1. Loss of consortium to both the claimants | Rs.80,000/-
(Rs.40,000/- each) |
| 2. Expenses on last rites | Rs.15,000/- |
| 3. Loss to estate | Rs.15,000/- |

Total compensation is Rs.11,68,400/- and the additional amount is Rs.3,87,400/- (11,68,400 – 7,81,000), payable with interest @7.5% per annum from the date of petition till realization, to mother of the deceased.

The appeal is partly allowed in the aforesaid terms.

FAO No.254 of 2017

Claimants shall be entitle to addition in income for future prospects @ 40%. Multiplier and deduction for personal expenses applied by the Tribunal are correct and affirmed. In this manner, loss of dependency is calculated at Rs.10,58,400/- [(7000 x 12 x 18) + (40% future prospects) – (50% deduction for personal expenses)].

Under conventional heads, claimants shall be entitle to Rs.1,10,000/-, detailed hereunder:-

- | | |
|---|------------------------------------|
| 1. Loss of consortium to both the claimants | Rs.80,000/-
(Rs.40,000/- each) |
| 2. Expenses on last rites | Rs.15,000/- |

3. Loss to estate Rs.15,000/-

Total compensation is Rs.11,68,400/- and the additional amount is Rs.3,87,400/- (11,68,400 – 7,81,000), payable with interest @7.5% per annum from the date of petition till realization, to mother of the deceased.

The appeal is partly allowed in the aforesaid terms.

FAO No.405 of 2017

Heard.

Claimants shall be entitle to additional amount of Rs.3,87,400/- in terms of order passed in FAO No.254 of 2017 aforesaid, payable with interest @ 7.5% per annum from the date of petition till realization, to mother of the deceased.

The appeal is partly allowed in the aforesaid terms.

FAO No.406 of 2017

Heard.

Claimants shall be entitle to additional amount of Rs.3,87,400/- in terms of order passed in FAO No.254 of 2017 aforesaid, payable with interest @ 7.5% per annum from the date of petition till realization, to mother of the deceased.

The appeal is partly allowed in the aforesaid terms.

FAO No.592 of 2017

Claimants shall be entitle to addition in income for future prospects @ 10%. Multiplier and deduction for personal expenses applied

by the Tribunal are correct and affirmed. In this manner, loss of dependency is calculated at Rs.6,77,600/- [(7000 x 12 x 11) + (10% future prospects) – (1/3rd deduction for personal expenses)].

Under conventional heads, claimants shall be entitle to Rs.70,000/-, detailed hereunder:-

- | | |
|--|-------------|
| 1. Loss of consortium to widow of the deceased | Rs.40,000/- |
| 2. Expenses on last rites | Rs.15,000/- |
| 3. Loss to estate | Rs.15,000/- |

Total compensation is Rs.7,47,600/- and the additional amount is Rs.6600/- (7,47,600 – 7,41,000), 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.

FAO No.1475 of 2017

CM No.5025-CII of 2017

Heard.

In view of averments made in the application supported by an affidavit of Smt. Ranjit Kaur, one of the claimants and arguments advanced, application is allowed and person mentioned in para 4 of the application is also allowed to be brought on record as legal representative of Kesar Singh (since deceased), subject to just exceptions, for the purpose of present lis only.

Disposed of accordingly.

Amended memo of parties is taken on record.

Main Case

Claimants shall be entitle to addition in income for future

prospects @ 40%. Multiplier and deduction for personal expenses applied by the Tribunal are correct and affirmed. In this manner, loss of dependency is calculated at Rs.13,32,800/- [(7000 x 12 x 17) + (40% future prospects) – (1/3rd deduction for personal expenses)].

Under conventional heads, claimants shall be entitle to Rs.1,50,000/-, detailed hereunder:-

- | | |
|--|--------------------------------------|
| 1. Loss of consortium to claimants No.1 to 3 | Rs.1,20,000/-
(Rs.40,000/- each) |
| 2. Expenses on last rites | Rs.15,000/- |
| 3. Loss to estate | Rs.15,000/- |

Total compensation is Rs.14,82,800/- and the additional amount is Rs.4,05,800/- (14,82,800 – 10,77,000), payable with interest @7.5% per annum from the date of petition till realization, in terms of award passed by the Tribunal.

The appeal is partly allowed in the aforesaid terms.

01.02.2019
ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:	Yes / No
Whether reportable:	Yes / No