

FAO- 3709 of 2019 (O&M)
Date of Decision: 2.3.2020

Smt. Kamlesh and others

---Appellants

versus

Vikram and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Siddharth Gulati, Advocate
for the appellants

Rekha Mittal, J.

CM no.13002-CII of 2019

Heard.

Allowed as prayed for. Delay of 29 days in filing the appeal stands condoned.

Main case

The claimants are in appeal seeking enhancement of compensation on account of death of Rahul in a motor vehicular accident that took place on 2.9.2016.

The Motor Accidents Claims Tribunal, Kaithal (in short “the Tribunal”) awarded Rs.14,14,720/-, detailed hereunder:-

Monthly income of the deceased	Rs. 8100/-
Deduction for personal expenses	50%
Increase in income for future prospects	40%
Multiplier	18
Loss of dependency	Rs. 12,24,720/-
Loss of filial consortium	Rs. 1,60,000/- (Rs. 40,000/- each)
Loss of estate	Rs. 15,000/-
Funeral expenses	Rs. 15,000/-

The sole submission made by counsel for the appellants is that as the claim application has been filed by parents and two siblings of the deceased, deduction for personal expenses should be 1/3rd.

The contention raised by the counsel is patently misconceived and rejected. Father of the deceased is stated to be 44 years old. There is nothing on record suggestive of the fact that father of the deceased has any disability to render siblings of the deceased dependent upon the deceased aged about 18 years. In the given circumstances, deduction for personal expenses allowed by the Tribunal is in complete consonance with the formula laid down by Hon'ble the Supreme court in **Smt.Sarla Verma and others vs. Delhi Transport Corporation and another 2009 ACJ 1298**. Rather the Tribunal has allowed more compensation under conventional heads viz-a-viz what can be allowed in the light of judgment of Hon'ble the Supreme Court **National Insurance Company Limited vs. Pranay Sethi and others 2017 SCC 1270**. In this view of the matter, there is no scope for allowing additional compensation.

For the foregoing reasons, finding no merit, the appeal fails and is accordingly dismissed.

(Rekha Mittal)
Judge

2.3.2020

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No