IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO No. 1800 of 2013
Date of decision: 11.02.2020

Nisha Devi and others ....*Appellants*

Versus

Sushil Kumar and others ....*Respondents*

Coram: Hon'ble Mrs. Justice Rekha Mittal

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Present: None for the appellants

Mr. Aseem Aggarwal,Advocate
for respondent No. 3

-.-

Rekha Mittal, J. (Oral)

The claimants are in appeal seeking additional compensation on account of death of Sanjay Kumar in a motor vehicular accident that took place on 24.09.2009.

The Tribunal awarded Rs.7,25,496/-, detailed hereunder:-

-Monthly income of the deceased	Rs.19,736/-
-Addition in income for future prospects	50%
-Deduction for personal expenses	$1/4^{th}$
-Multiplier	16
-Loss of dependency	Rs.42,62,976/-
Loss of consortium to widow	Rs.5,000/-
-Last rites expenses	Rs.10,000/-
-Deduction in respect of ex gratia benefit	Rs.35,52,480/-

I have examined the criteria adopted by the Tribunal for computing loss of dependency to the tune of Rs.42,62,976/- and do not find any reason to intervene. So far as deduction of Rs.35,52,480/- towards financial assistance available to the family of deceased under the Haryana Compassionate Assistance to *the Dependents of Deceased Government Employees Rules, 2006***,** the entire amount is amenable to deduction in the light of latest judgment of Hon'ble the Supreme Court in ***National Insurance Company Limited vs. Birender and others*** **(Civil appeal Nos. 242-43 of 2020 arising out of SLP (Civil) Nos. 976-977 of 2020, decided on 13.01.2020).** Accordingly, the appellants shall be entitle to Rs.7,10,496/- towards loss of dependency.

Under conventional heads, compensation allowed is modified to the effect that claimants shall be entitle to Rs.70,000.00 (Rs.40,000.00 for loss of consortium, Rs.15,000.00 each qua loss to estate and funeral expenses), in the light of judgments of Hon'ble the Supreme Court ***National Insurance Company Limited v. Pranay Sethi and others, 2017 SCC 1270*** and ***Sebastiani Lakra and others vs. National Insurance Company Limited and another, 2018 AIR (SC) 5034.***

Total compensation is Rs.7,80,496/- (7,10,496 + 70,000) and additional amount is Rs.55,000/- (7,80,496 – 7,25,496) payable with interest at the rate of 7.5% per annum from the date of petition till realization. Even the amount assessed by the Tribunal shall carry interest @ 7.5% per annum from the date of petition till realization.

For the foregoing reasons, the appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

11.02.2020
Mohan Bimbra

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