

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

-.-

FAO 3368 of 2013 (O&M)

Date of decision: 06.02.2020

Sunita and others*Appellants*

Versus

Sokat and others*Respondents*

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Ravi Malik, Advocate
for the appellants

Ms Vandana Malhotra, Advocate
for respondent No. 3

-.-

Rekha Mittal, J. (Oral)

The claimants are in appeal seeking additional compensation on account of death of Jas Ram in a motor vehicular accident that took place on 08.11.2011.

The Tribunal awarded Rs.13,76,478/-, detailed hereunder:-

-Monthly income of the deceased	Rs.9,700/-
-Multiplier	13
-Deduction for personal expenses	1/5th
-Loss of dependency	Rs.12,10,560/-
-Loss of consortium	Rs.10,000/-
-Last rites and transportation of dead body.	Rs.5,000/-
-Reimbursement of medical expenses	Rs.1,50,918/-

Counsel for the claimants would state that the Tribunal has not

allowed benefit of increase in income for future prospects.

Monthly income of deceased assessed, deduction for personal expenses and multiplier applied are correct and affirmed. The claimants shall be entitle to addition in income for future prospects at the rate of 25%. As such, loss of dependency is Rs.15,13,200/- (Rs.15,13,200/- *i.e.* 9,700 x 12 x 13 + Rs.3,78,300/- (25% addition in income) – Rs.3,78,300/- (1/5th deduction).

Under conventional heads, 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*.

Medical reimbursement of Rs.1,50,918/- allowed by the Tribunal is correct and affirmed.

Total compensation is Rs.17,34,118/- (15,13,200 + 70,000 + 1,50,918) and additional amount is Rs.3,57,640/- (17,34,118-13,76,478) payable with interest at the rate of 7.5% per annum from the date of petition till realization to the claimants in terms of award.

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

(Rekha Mittal)
Judge

06.02.2020
Mohan Bimbura

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