

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

-.-

FAO 2632 of 2016 (O&M)

Date of decision: 09.01.2020

Manpreet Kaur and another

.....Appellants

Versus

Naresh Kumar and others

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. M S Saini, Advocate
for the appellants

None for respondent-insurance company

-.-

Rekha Mittal, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Bhagwant Singh in a motor vehicular accident that took place on 22.12.2014.

The insurance company has been served but remains unrepresented.

The Tribunal awarded Rs.6,70,000/-, detailed hereunder:-

-Monthly income of the deceased	Rs.5,000/-
-Deduction for personal expenses	½
-Multiplier	18
-Loss of dependency	Rs.5,40,000/-
-Loss of love and affection	Rs.30,000/-
-Funeral expenses	Rs.30,000/-
-Medical expenses on treatment	Rs.70,000/-

The plea of claimants is that Bhagwant Singh was a student of B.A.Ist year in Guru Nanak College, Budhlada and used to keep buffaloes for sale of milk and doing agriculture work thereby earning Rs.20,000/- per month. The claimants have neither produced any document with regard to

deceased being student of B.A. Ist year nor in respect of avocation or income of the deceased. Taking a clue from notification issued by the State of Haryana fixing minimum wage, income of deceased is assessed at Rs.5,700/- per month. The claimants shall be entitle to addition in income for future prospects at the rate of 40%. Deduction for personal expenses and multiplier applied are correct and affirmed. In this manner, loss of dependency is Rs.8,61,840/- (Rs.12,31,200/- i.e. $5,700 \times 12 \times 18 +$ Rs.4,92,480/- (40% addition) – Rs.8,61,840 (50% deduction).

Under conventional heads, claimants shall be entitle to Rs.30,000.00 (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*.

The sum of Rs.70,000/- awarded towards medical expenses on treatment is affirmed.

Total compensation is Rs.9,61,840/- and additional amount is Rs.2,91,840/- (9,61,840 – 6,70,000) payable with interest @ 7.5% per annum from the date of filing of petition till realization to mother of the deceased, to be invested in fixed deposit for a period of two years.

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

(Rekha Mittal)
Judge

09.01.2020
Mohan Bimbura

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