

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

223

FAO-5127-2015 (O&M)

Date of decision: 02.03.2020

PREM DEVI AND ANR

... Appellants

Versus

VINOD AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. SP Chahar, Advocate for the appellants.
None for insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking additional compensation on account of death of Vikas in a motor vehicular accident that took place on 16.04.2014.

The Tribunal awarded Rs.5,21,000/-, detailed hereunder:-

Monthly income of the deceased	Rs.6000/-
Multiplier	11
Deduction for personal expenses	50%
Loss of dependency	Rs.3,96,000/-
Expenses on funeral	Rs.25,000/-
Loss of love and affection	Rs.1,00,000/-

The plea of claimants is that deceased was in government service through outsourcing agency at monthly salary of Rs.8100/-. The Tribunal has noticed that claimants failed to adduce any evidence to substantiate their plea in this regard. Taking a clue from notification issued by the State of Haryana fixing minimum wage at the relevant time coupled with educational qualification of the deceased, income of the deceased is assessed at Rs.6200/- per month. Claimants shall be entitle to addition in income for future prospects @ 40%. Deduction for personal expenses allowed by the Tribunal is correct and affirmed. The deceased was born on 20.12.1988 and as such, he was 25 years and about 5 months old at the time of occurrence. The admissible multiplier would be 18. In this context, reference can be made to judgments of Hon'ble the Supreme Court **Sarla Verma & Ors vs Delhi Transport Corp.& Anr, 2009 (3) RCR (Civil) 77, Munna Lal Jain and anr. vs. Vipin Kumar Sharma and ors., 2015 (3) SCC (Civil) 315 and National Insurance Company Limited Vs. Pranay**

Sethi and Ors., 2017 SCC 1270. In this manner, loss of dependency is calculated at Rs.9,37,440/- [(6200 x 12 x 18) + (40% future prospects) – (50% deduction for personal expenses)].

Under conventional heads, compensation allowed is modified to the effect that claimants shall be entitle to Rs.30,000/-, detailed hereunder:-

- | | |
|---------------------------|-------------|
| 1. Expenses on last rites | Rs.15,000/- |
| 2. Loss of estate | Rs.15,000/- |

Total compensation is Rs.9,67,440/- and additional amount is Rs.4,46,440/- (9,67,440 - 5,21,000), 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.

02.03.2020

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No