

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

226-2

FAO No.5276 of 2016 (O&M)

Date of decision: 06.02.2020

Charanjeet Kaur and anr.

... Appellants

Versus

Gurcharan Singh and ors.

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Arun Sharma, Advocate for the appellants.
Mr. Pardeep Panwar, Advocate for
Mr. SS Nain, Advocate for respondents No.1 and 2.
Ms. Ratika, Advocate for
Mr. Sandeep Suri, Advocate for insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking additional compensation on account of death of Gurwinder Singh in a motor vehicular accident that took place on 27.04.2011.

The Tribunal awarded Rs.12,25,446/-, detailed hereunder:-

Monthly income of the deceased	Rs.17,431/-
Multiplier	11
Deduction for personal expenses	50%
Loss of dependency	Rs.11,50,446/-
Expenses on funeral	Rs.25,000/-
Loss of love and affection	Rs.50,000/-

The deceased was 25 years old and claim has been filed by his parents. The deceased was an employee of Indian Army and income has been assessed on the basis of salary certificate. The annual income of deceased is Rs.2,09,172/- (17,431 x 12). After deducting income tax of Rs.3004/-, annual salary available for computing loss of dependency comes to Rs.2,06,168/-. Claimants shall be entitle to addition in income for future prospects @ 50%. As the deceased was 25 years old, admissible multiplier is 18. Deduction for personal expenses allowed by the Tribunal is correct and affirmed. In this manner, loss of dependency is calculated at Rs.27,83,268/- [(2,06,168 x 18) + (50% future prospects) – (50% deduction for personal expenses)].

Under conventional heads, compensation awarded 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.28,13,268/- and additional amount is Rs.15,87,822/- (28,13,268 - 12,25,446), 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.

06.02.2020

(REKHA MITTAL)
JUDGE

ashok

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No