

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

209

FAO-801-2014 (O&M)

Date of decision: 24.01.2020

GEETA DEVI AND ANR

... Appellants

Versus

NARENDER AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Ms. Bhawna Grewal, Advocate for
Mr. SK Yadav, Advocate for the appellants.
Mr. Rajesh K. Sharma, Advocate for insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Navdeep in a motor vehicular accident that took place on 21.09.2012.

The Tribunal awarded Rs.3,98,000/-, detailed hereunder:-

Monthly income of the deceased	Rs.4200/-
Multiplier	15
Deduction for personal expenses	50%
Loss of dependency	Rs.3,78,000/-
Expenses on funeral	Rs.10,000/-
Loss of love and affection	Rs.10,000/-

The plea of claimants is that deceased aged about 18 years was imparting tuitions thereby earning Rs.10,000/- per month. However, they failed to adduce sufficient evidence to substantiate their plea in this regard. They even did not produce any document with regard to educational qualification of the deceased. Taking a clue from notification issued by the State of Haryana fixing minimum wage at the relevant time, income of the deceased is assessed at Rs.5000/- 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. However, 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.7,56,000/- [(5000 x 12 x 18) + (40% 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.7,86,000/- and additional amount is Rs.3,88,000/- (7,86,000 - 3,98,000) payable with interest @ 7.5% per annum from the date of petition till realization to mother of the deceased, to be invested in fixed deposit for a period of two years.

The appeal is partly allowed in the aforesaid terms.

24.01.2020

(REKHA MITTAL)
JUDGE

ashok

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No