

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

233

FAO-5959-2016 (O&M)

Date of decision: 06.02.2020

HARJINDER KAUR & ORS

... Appellants

Versus

KULDEEP SINGH & ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : None for the appellants.

Mr. RN Singhal, Advocate for insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking additional compensation on account of death of Tarlok Singh in a motor vehicular accident that took place on 22.01.2014.

The Tribunal awarded Rs.11,77,000/-, detailed hereunder:-

Annual income of the deceased	Rs.1,02,000/-
Multiplier	14
Deduction for personal expenses	1/3 rd
Loss of dependency	Rs.9,52,000/-
Expenses on funeral	Rs.25,000/-
Loss of love and affection	Rs.1,00,000/-
Loss of consortium	Rs.1,00,000/-

Claimants shall be entitle to addition in income for future prospects @ 25%. Though the Tribunal has allowed Rs.2 lakh to father of the deceased while apportioning compensation but there is no finding that father of the deceased was dependent on income of his married son. In the given circumstances, deduction for personal expenses allowed by the Tribunal is correct and affirmed. Multiplier applied by the Tribunal is also correct and affirmed. In this manner, loss of dependency is calculated at Rs.11,90,000/- [(1,02,000 x 14) + (25% future prospects) – (1/3rd deduction for personal expenses)].

Under conventional heads, compensation allowed is modified to the effect that claimants shall be entitle to Rs.70,000/-, detailed hereunder:-

1. Loss of consortium	Rs.40,000/-
2. Loss of estate	Rs.15,000/-
3. Funeral expenses	Rs.15,000/-

Total compensation is Rs.12,60,000/- and additional amount is

Rs.83,000/- (12,60,000 - 11,77,000), payable with interest @ 7.5% per annum from the date of petition till realization to minor children of the deceased in equal ratio, to be invested in fixed deposit till they attain majority or for a period of three years, whichever is later. Interest accruing on FDR shall be payable to mother of the minors for meeting expenses on their education and living.

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