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

226 FAO-7322-2015 (O&M)

Date of decision: 30.01.2020

ANJU DEVI AND ORS. ... Appellants

Versus

JAWAHAR LAL AND ANR. ... Respondents

**CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL**

Present : Mr. Ashish Gupta, Advocate for the appellants.
Mr. Kanwar Sanjiv Kumar, Advocate for respondent No.1.
Mr. Pardeep Kumar, Advocate for insurance company.
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**REKHA MITTAL, J. (Oral)**

The claimants are in appeal seeking additional compensation on account of death of Lalwant in a motor vehicular accident that took place on 06.05.2013.

The Tribunal awarded Rs.20,08,000/-, detailed hereunder:-

| | |
|---|---|
| Monthly income of the deceased | Rs.12,000/- |
| Multiplier | 16 |
| Deduction for personal expenses | 1/4th |
| Loss of dependency | Rs.17,28,000/- |
| Expenses on funeral | Rs.25,000/- |
| Transportation charges | Rs.5000/- |
| Loss of consortium | Rs.1,00,000/- |
| Loss of love and affection | Rs.1,50,000/- |

The sole submission made by counsel for the appellants is that Tribunal has not allowed addition in income for future prospects.

Counsel representing the insurance company, on the contrary, would argue that compensation allowed under conventional heads may be restricted to Rs.70,000/-. For this purpose, reference has been made to judgments of Hon'ble the Supreme Court **National Insurance Company Limited Vs. Pranay Sethi and Ors., 2017 SCC 1270** and **Sebastiani Lakra and others vs. National Insurance Company Limited and another AIR 2018 SC 5034**.

As the deceased was in the age bracket of 31-35 years, admissible increase for future prospects would be 40%. The other criteria adopted by the Tribunal for computing loss of dependency is affirmed. In this manner, loss of dependency is calculated at Rs.24,19,200/- [(12,000 x

12 x 16) + (40% future prospects) – (1/4th 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.24,89,200/- and additional amount is Rs.4,81,200/- (24,89,200 - 20,08,000) payable with interest @ 7.5% per annum from the date of petition till realization to claimants in the ratio 20:20:20:40. The amount falling to share of minors shall be invested in fixed deposit till they attain majority or for a period of three years, whichever is later. All other terms and conditions of the award shall remain intact.

The appeal is partly allowed in the aforesaid terms.

30.01.2020 **(REKHA MITTAL)**
ashok **JUDGE**

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