IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

235 FAO-6474-2017 (O&M)
Date of decision: 10.01.2020

PARAMJEET KAUR AND OTHERS ... Appellants

Versus

RAM PAL AND OTHERS ... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Saurabh Kapoor, Advocate for
Mr. Ashit Malik, Advocate for the appellants.
Mr. Harjot Singh Bedi, Advocate for respondents No.1 and 2.
Ms. Sheenu Sura, 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 Kulwant Singh in a motor vehicular accident that took place on 03.01.2015.

The sole submission made by counsel for the appellants is that as the deceased was an employee of Haryana Government and his dependents are entitle to financial assistance under the Haryana Compassionate Assistance to the Dependents of Deceased Government Employees Rules, 2006 (in short 'Rules of 2006'), the Tribunal has deducted 100% of financial assistance as against 50% thereof in the light of judgment of this Court **Kamla Devi and others Vs. Sahib Singh and others, FAO No.3064 of 2013, decided on 30.11.2017** affirmed by Hon'ble the Supreme Court in **SLP No.5926 of 2018, Reliance General Insurance Co. Ltd. Vs. Kamla Devi and others, decided on 14.03.2018.**

Counsel representing the insurance company, on the other hand, would argue that amount of compassionate assistance assessed by the Tribunal needs modification and deduction should be made accordingly. In addition, it is argued that compensation allowed under conventional heads may be restricted to Rs.70,000/-. For this purpose, reliance has been placed upon 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**.

The Tribunal awarded Rs.27,67,141/-, detailed hereunder:-

Monthly income of the deceased	Rs.57,365/-
Net annual income after deduction of income tax	Rs.6,25,704/-
Addition in income for future prospects	30%
Multiplier	13
Deduction for personal expenses	1/3rd
Loss of dependency	Rs.70,36,601/-
Expenses on funeral	Rs.25,000/-
Transportation expenses	Rs.10,000/-
Deduction qua financial assistance under Rules of 2006	Rs.46,04,460/-
Loss of love and affection	Rs.3,00,000/- (Rs.1,00,000/- each)

Compensation assessed by the Tribunal with regard to loss of dependency is affirmed. However, claimants shall be entitle to Rs.70,000/- under conventional heads, detailed hereunder:-

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

In this manner, total compensation comes to Rs.71,06,601/-.

The Tribunal has assessed income of the deceased at Rs.57,365/- and family of the deceased shall be entitle to benefit of financial assistance for a period of seven years. The total amount of financial assistance comes to Rs.48,18,660/- (57,365 x 12 x 7). Only 50% of this amount i.e. Rs.24,09,330/- is amenable to deduction, in view of judgment of this Court **Kamla Devi and others's case (supra)**. After deducting Rs.24,09,330/-, compensation payable to the claimants is Rs.46,97,271/- (71,06,601 - 24,09,330) and additional amount is Rs.19,30,130/- (46,97,271 - 27,67,141). The additional amount shall carry interest @ 7.5% per annum from the date of petition till realization payable to widow of the deceased, to be invested in fixed deposit for a period of two years.

The appeal is partly allowed in the aforesaid terms.

10.01.2020 **(REKHA MITTAL)**
ashok **JUDGE**

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