

SURENDER AND ORS. VS KARAMBIR SINGH AND ORS.

Present:- Mr. Sandeep Goyat, Advocate
for the applicant-appellants

Mr. Suvir Dewan, Advocate
for the Insurance Co.

The present application is for reviewing the judgment dated 31.10.2019 passed in FAO No. 6718-2016 on the ground that the deduction of the deceased should have been 1/3rd instead of 1/2.

Heard learned counsel for the parties.

It is not in dispute that the claimants were class I heirs of the deceased and there were three Class II legal heirs. Thus, the deduction should have been 1/3rd instead of 1/2.

In view of the above, the application is disposed of and order dated 31.10.2019 is modified to the extent that the claimants are entitled for compensation as mentioned below:-

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculations</i>
(i)	Income	Rs.19480/- per month
(ii)	1/3 rd of (i) deducted as personal expenses of the deceased=	Rs.19480-Rs.6493=Rs.12987/- per month
(iii)	Compensation after multiplier of 7 is applied	Rs.12987 X 12 X 7= Rs.10,90,908/-
(iv)	Conventional heads (Loss of estate and funeral expenses)	Rs.30,000/-
(v)	Loss of consortium (children)	Rs.1,20,000/- (Rs.40,000/- each)
(vi)	Loss of love and affection	Rs.1,00,000/- (given by the Tribunal) as the payment has already been disbursed to the claimants
(vii)	Total Compensation awarded	Rs.13,40,908/-
	Enhanced amount of compensation	13,40,908-9,68,160=Rs.03,72,748/- (rounded off to Rs.03,73,000/-)

06.03.2020
G Arora

(RITU BAHRI)
JUDGE