

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

**FAO No.2517 of 2015
Date of Decision: 16.10.2024**

Kamlesh and others

.....Appellants

Versus

Ram Phal and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Jasmer S. Rozera, Advocate
for the appellants.

Mr. Punit Jain, Advocate
for respondent No.3/Insurance Co.

PANKAJ JAIN, J. (ORAL)

Claimants are in appeal seeking enhancement of the compensation.

2. Claimants filed claim petition before MACT, Panipat seeking compensation on account of death of Jai Bhagwan deceased in a motor-vehicular accident occurred on 19th of February, 2009.

3. After deciding issue w.r.t. rash and negligent driving against the respondent No.1, Tribunal assessed the compensation payable to the claimants.

4. Income of the deceased was assessed @ Rs.14,778/-. He was 55 years of age at the time of death. Nothing has been paid on account of future prospects. In view of ratio of law laid down by the Supreme Court in the case of ‘National Insurance Company Limited vs. Pranay Sethi and others’, 2017 (16) SCC 680, the claimants are held entitled for future prospects @ 15%. Multiplier applied is 9. The same is modified to 11. On account of funeral expenses only Rs.10,000/- has been awarded. Thus, the claimants are held entitled for an amount of Rs.18,000/- each under the head of funeral expenses and loss of estate. Loss of Consortium is paid @ Rs.48,000/- to each of the claimants. Deduction to be applied for calculating dependency will be 1/3rd. Thus, the compensation calculated is tabulated as under :

Monthly Salary	Rs.14,778/-
Future Prospects	15%
Multiplier (age 55 years)	11
Deduction	1/3 rd
Rs.14,778/- x 115/100 x 2/3 x 12 x 11	Rs.14,95,533/-
Loss of Consortium Rs.48000 x 3	Rs.1,44,000/-
Funeral Expenses and loss of estate	Rs.36,000/-

5. Under the Haryana Compassionate Assistance to the Dependents of Deceased Government Employees Rules, 2006, financial assistance has been paid by the State for 39 months. The amount payable

under the scheme is Rs.14,778/- X 39 = 5,76,342/-. The aforesaid amount needs to be deducted from the final amount.

- 6. The impugned award is modified to the aforesaid extent.
- 7. Needless to say any amount already paid in execution of the award shall be set off.
- 8. Rate of interest payable at the enhanced amount shall abide by Para No.23 of the award.
- 9. The appeal is disposed off accordingly.

October 16, 2024		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No