

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

-.-

FAO 3966 of 2017 (O&M)

Date of decision: 30.04.2019

Bhupinder kaur and others

.....*Appellants*

Versus

Anil Kumar Sharma and another

.....*Respondents*

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Abhinav Singla, Advocate for
Mr. Sanjeev Goyal, Advocate
for the appellants

Mr. Sandeep Suri, Advocate
for the insurance company

-.-

Rekha Mittal, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Taljinder Singh in a motor vehicular accident that took place on 26.11.2015.

The Tribunal awarded Rs.13,86,000/-, detailed hereunder:-

Monthly income of the deceased	Rs.8,500/-
Deduction for personal expenses	1/4 th
Multiplier	14
Loss of dependency	Rs.10,71,000/-
Loss of consortium	Rs.1,00,000/-
Loss of love & affection to children	Rs.2,00,000/- (Rs.1,00,000/- each)
Funeral expenses	Rs.10,000/-
Transportation charges	Rs.5,000/-

The Tribunal has assessed income of deceased on the basis of

salary certificate proved by Harjinder Singh (PW-2). The age of deceased
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has been determined on the basis of post mortem report.

Counsel for the appellants has failed to point out any material on record to challenge findings of the Tribunal with regard to age of deceased on the basis whereof multiplier of 14 has been applied. However, the claimants shall be entitle to addition in income for future prospects @ 25%. Deduction for personal expenses allowed by the Tribunal is correct and affirmed. In this manner, loss of dependency is calculated at Rs.13,38,750/- (Rs.14,28,000.00 i.e. 8,500 x 12 x 14 + Rs.3,57,000.00 (25% addition) – Rs.4,46,250.00 (1/4th deduction)).

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that the claimants shall be entitle to Rs.70,000.00 (Rs.40,000.00 for loss of consortium, Rs.15,000.00 each qua loss to estate and funeral expenses), in the light of judgments of Hon'ble the Supreme Court ***National Insurance Company Limited v. Pranay Sethi and others, 2017 SCC 1270*** and ***Sebastiani Lakra and others vs. National Insurance Company Limited and another, 2018 AIR (SC) 5034.***

Total compensation is Rs.14,08,750.00 and additional amount is Rs.22,750/- payable with interest @ 7.5% per annum from the date of petition till realization, to widow of the deceased.

For the aforesaid reasons, the appeal is partly allowed in the aforesaid terms.

**(Rekha Mittal)
Judge**

30.04.2019

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