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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-4828-2014

Date of Decision:11.08.2016

BHAGWATI PARSAD AND ANOTHER

...Appellants

VERSUS

HARI OM AND OTHERS

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Anil Kumar Spehia, Advocate
for the appellants.

Mr. Punit Jain, Advocate
for respondent No.3.

Mr. A.G.S. Dhillon, Advocate
for respondents No.4 to 6.

DARSHAN SINGH J. (ORAL)

The present appeal has been preferred against the Award dated 02.09.2013 vide which the appellants and respondents No.4 to 6 were awarded compensation to the tune of Rs.3,27,500/- on account of the death of deceased Smt.Dropadi Devi in the motor vehicle accident which took place on 03.09.2011.

Learned counsel for the respondent-Insurance Company has conceded that in view of the facts and circumstances of the case, the respondent-Insurance Company has no objection if the amount of the compensation is enhanced by Rs.1,20,000/-.

Learned counsel for the appellants has also agreed to that

proposal. Though Shri A.G.S. Dhillon, learned counsel for the respondents No.4 to 6, who were also claimants No.2 to 4 in the claim petition stated that the offer given by the Insurance Company is not acceptable.

I do not find any reason in declining the offer for enhancement of the compensation given by learned counsel for respondent-Insurance Company. Even otherwise, from the facts and circumstances of the case, the claimants will not be entitled enhancement more than Rs.1,20,000/-.

The deceased was a housewife. The learned Tribunal has assessed her notional income to be Rs.4500/- per month and thereafter the compensation was assessed by applying the multiplier of 5. In fact, the multiplier of 7 should have been applied. The amount of the compensation will come less than the offer given by the respondent-Insurance Company.

Thus, the present appeal in view of the concession given by learned counsel for the respondent-Insurance Company is hereby partly allowed. The amount of the compensation is enhanced by Rs.1,20,000/-, in addition to the amount already awarded. The claimants shall also be entitled to interest as already determined by the learned Tribunal on the enhanced amount from the date of filing the petition till realization. The enhanced amount of compensation shall be proportionate amongst the claimants as per the original award.

(DARSHAN SINGH)
JUDGE

August 11, 2016
rajneesh

Whether speaking/reasoned : YES/NO

Whether reportable : YES/NO