

502/5

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-3811-2006

Date of decision : 20.12.2017

Gurmail Singh and another

... Appellant(s)

Versus

Baldev Singh and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWALPresent: Mr. Parminder Singh-I, Advocate
for the appellants.Mr. Vipul Sharma, Advocate for
Mr. Paul S. Saini, Advocate
for respondent No.3/Insurance Company.

AMIT RAWAL, J. (ORAL)

The appeal has been preferred by the claimants being the husband and minor daughter of the deceased-Kuldeep Kaur, who died in a motor accident occurred on 10.12.2003, for enhancement of compensation against the award passed by the Tribunal, whereby a compensation of ₹5,85,500/- had been awarded.

Mr. Parminder Singh-I, learned counsel appearing on behalf of the appellants-claimants submits that the deceased was contributing her services towards the family and the value of which has been assessed at ₹10,000/- per month, but the Tribunal took the income of the deceased as ₹3,000/- per month, by relying upon the judgment of the Hon'ble Supreme Court "**Lata Wadhwa V/s State of Bihar**" AIR 2001 SC 3218, and awarded the compensation to the tune of ₹5,85,500/- after applying the multiplier of '16', which is on lower side. Moreover, no increase was made in the salary towards future prospects and the amount of ₹2,000/- towards funeral

expenses, ₹2,500/- for loss of estate and ₹5,000/- for loss of consortium are also on lower side, thus, there is scope for enhancement.

On the other hand, learned counsel appearing on behalf of the Insurance Company submits that the Tribunal has taken care of all the heads sufficiently and there is no scope for further enhancement, thus, urges this Court for dismissal of the appeal.

I have heard the learned counsel for the parties and appraised the paper book and of the view that the compensation to the tune of ₹5,85,500/- is on lower side and accordingly, I take the income of the deceased as ₹3,000/- per month and provide 40% future prospects and apply a multiplier of '17' to assess the loss of dependency as ₹5,71,200/-. I will further add to it ₹70,000/- towards conventional heads i.e. loss of consortium, loss of estate and funeral expenses as per the latest judgment dated 31.10.2017 rendered by Hon'ble the Supreme Court in *SLP (Civil) No.25590 of 2014* titled as *“National Insurance Company Ltd. V/s Pranay Sethi and others”*.

In all the compensation payable shall be ₹6,41,200/-. The same shall also attract interest @ 9% from the date of filing of the claim petition till its realization. The liability shall remain the same as has already been determined by the Tribunal.

The award passed by the Tribunal is modified to the above extent and the appeal stands allowed.

20.12.2017

Yogesh Sharma

**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned **Yes**

Whether Reportable **No**