

FAO No.1352 of 2010

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

FAO No.1352 of 2010

Date of Decision.03.08.2017

Smt. Sanjeeda Begum and others

.....Appellants

Vs

Jatinder Kumar and others

.....Respondents

Present: Mr. Amrik Singh, Advocate
for the appellants.

Mr. Haarmanjit Singh, Advocate
for respondent No.1 and 2.

Mr. Vinod Chaudhari, Advocate
for the insurance company.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

-.-

AMIT RAWAL J.(ORAL)

The appeal is for enhancement of compensation for death of a person aged 46 years namely Ahsan Khan who died in a motor accident occurred on 11.06.2008. The deceased was riding a bicycle on Ropar-Nawanshehar highway when a maruti car bearing registration No.CH-03K-0948 driven by respondent No.1 rashly and negligently hit him from behind and dragged to some distance. He received multiple grievous injuries which proved fatal. The deceased was stated to be working as Core Checking Inspector in DCM Engineering Company and running a Karyana store as well as STD booth. His income from the above professions was claimed to be ₹20,000/- per month. The claimants were widow and three children.

The Tribunal while assessing the compensation took the income of the deceased as ₹5320/- per month as per the salary proof produced on record i.e. Ex.P-7 to P-9, added 30% increase in the salary as

future prospectus, deducted 1/4th towards personal expenses and applied a

FAO No.1352 of 2010

multiplier of 13, thus, in toto assessed a compensation of ₹7,95,600/- with interest @6% per annum from the date of award till realization.

Mr. Amrik Singh, learned counsel appearing on behalf of the appellants submits that the income assessed by the Tribunal as ₹5320/- per month is on lower side, much less, nothing has been provided for loss of consortium, loss of love and affection, funeral expenses and loss of estate, thus, the award is liable to be modified.

Mr. Vinod Chaudhari, learned counsel appearing on behalf of the insurance company submits that the amount assessed by the Tribunal is perfectly legal and justified and there is no scope for further enhancement, thus, urges this Court for dismissal of the appeal.

I have heard learned counsel for the parties, appraised the paper book and of the view that though the Tribunal has correctly assessed the income and applied 30% increase in salary for future prospects as well as the multiplier but erred in not providing the conventional heads of claim, thus, there is scope for enhancement. I will also provide ₹1,00,000/- to the widow for loss of consortium, ₹1,00,000/- each for loss of love and affection to the children, ₹10,000/- towards loss of estate and ₹25,000/- towards funeral expenses.

In total, the amount of compensation payable shall be ₹12,44,172/-. The amount in excess over what has already been provided by the Tribunal shall also attract interest @6% from the date of filing of the appeal till the date of its realization. The claimants shall also be entitled to interest @6% from the date of filing of the claim petition till the date of Award on the amount originally assessed by the Tribunal i.e. ₹7,95,600/-, as the Tribunal has erred in not providing the interest from the date of filing of

FAO No.1352 of 2010

the claim petition. The enhanced amount shall be distributed equally amongst the claimants. The liability shall remain the same as has already been assessed by the Tribunal.

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

(AMIT RAWAL)
JUDGE

August 03, 2017
Pankaj*

Whether reasoned/speaking	Yes
Whether reportable	No