

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

FAO No.119 of 2012

Date of Decision.24.11.2017

Devender Kaur and others

.....Appellants

Vs

Sheru Singh and others

.....Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Munish Mittal, Advocate and
Mr. Nitin Kamboj, Advocate
for the appellants.

Mr. Vinod Gupta, Advocate
for the insurance company.

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AMIT RAWAL J.(ORAL)

The appeal has been preferred by the legal representatives of deceased-Tagga Singh @ Bagga Singh, who died in a motor accident occurred on 18.11.2009 for enhancement of compensation against the award passed by the Tribunal for a compensation of ₹6 lacs with interest @7.5% per annum from the date of filing of the claim petition till its realization.

Mr. Mittal, learned counsel appearing on behalf of the appellants submits that the deceased was a Driver by profession and stated to be earning ₹10000/- per month but the Tribunal took the income of the deceased as ₹4348/- per month as an unskilled worker, which is on lower side. It did not provide any increase towards future prospects, much less, nothing provided towards loss of consortium, loss of estate and funeral expenses, thus, there is scope for further 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 learned counsel for the parties and appraised the paper book. In the absence of any documentary proof, I will retain the income of the deceased as ₹4348/- per month as assessed by the Tribunal but provide an increase of 40% towards future prospects. I will make a deduction of 1/4th towards personal expenses and apply a multiplier of 15 to assess the loss of dependency as ₹8,21,772/-. I will further add to it ₹70,000/- towards conventional heads i.e. loss of consortium, loss of estate and funeral expenses.

In all the compensation payable shall be ₹8,91,772/-. 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 its realization. The enhanced amount shall be distributed amongst the claimants in the ratio of 2:2:2:2:2:1. 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.

(AMIT RAWAL)
JUDGE

November 24, 2017

Pankaj*

Whether reasoned/speaking Yes

Whether reportable No