

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

FAO No.534 of 2011

Date of Decision.15.12.2017

Anita and others

.....Appellants

Vs

Mahender Singh and others

.....Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Sandeep Kotla, Advocate
for the petitioners.

Ms. Meenakshi Poswal, Advocate
for respondent Nos.1 and 2.

Mr. R.N. Singal, Advocate
for respondent No.3-insurance company.

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AMIT RAWAL J.(ORAL)

The appeal is for enhancement of compensation for death of a male aged 30 years namely Nahar Singh, who died in a motor vehicular accident occurred on 10.01.2005. The claimants are widow, two children and mother. He was stated to be running a photo studio and earning ₹15,000/- per month.

Mr. Kotla, learned counsel appearing on behalf of the appellants submits that the Tribunal while assessing the compensation of ₹5,24,900/-, took the income of the deceased as ₹3300/- per month which is on lower side as there is a specific pleading that he was earning ₹15,000/- per month. It did not provide anything for future prospects in view of the ratio decidendi culled out by Hon'ble Supreme Court in **National Insurance Company Ltd. Vs. Pranay Sethi 2017 ACJ 2700.** Moreover, the amounts provided for loss of consortium, loss of estate and funeral expenses are also

on lower side, thus, there is scope for enhancement.

On the contrary, learned counsel appearing for the insurance company submits that the Tribunal has taken care of all the heads of claim sufficiently and there is no further scope for 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 in the absence of any documentary proof, I will retain the income taken by the Tribunal as ₹3300/- per month, however, there will be an increase of 40% on the same towards future prospects. I will make a deduction of 1/4th towards personal and adopt a multiplier of 17 to assess the loss of dependency as ₹7,06,860/-. I will further add to it ₹40,000/- towards loss of consortium and ₹15000/- each towards loss of estate and funeral expenses.

In all, the compensation payable shall be ₹7,76,860/-. 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 realization. The enhanced amount shall be distributed in the ratio of 2:2:2:1 amongst the claimants. The liability shall remain the same as has already been determined by the Tribunal.

The award passed by the Tribunal is modified and the appeal is allowed in above terms.

(AMIT RAWAL)
JUDGE

December 15, 2017
Pankaj*

Whether reasoned/speaking Yes

Whether reportable No