

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

**FAO No.7124 of 2011 (O&M)
Date of Decision.30.11.2017**

Smt. Murjika Berman and another

.....Appellants

Vs

Jai Bhagwan and others

.....Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. B.S. Dhillon, Advocate
for the appellants.

Ms. Paraminder Kaur, Advocate
for respondent Nos.1 and 2.

Mr. Ashwani Talwar, Advocate
for respondent No.3.

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AMIT RAWAL J.(ORAL)

C.M. No.29915-CII of 2011

For the reasons stated in the application, delay of 6 days in filing
the appeal is condoned.

Application is allowed.

FAO No.7124 of 2011

The appeal is for enhancement of compensation for a male
namely Vishnu aged 22 years, who unfortunately died in a motor vehicular
accident occurred on 19.04.2010. He was stated to be working as Labour
Supervisor in SM Plywood and earning ₹5000/- per month. The claimants are
parents.

Mr. Dhillon, learned counsel appearing on behalf of the appellants
submits that the Tribunal while assessing the compensation of ₹2,83,000/-
assessed the income of the deceased as ₹3500/- per month, which is on lower
side. It did not provide any increase for future prospects, much less, adopted

basis of the age of the deceased. The amount of ₹10,000/- provided for transportation of dead body, loss of love and affection and performing last rites is also on lower side, thus, there is scope for enhancement.

On the contrary, learned counsel appearing on behalf of the insurance company, owner & driver submits that in the absence of any documentary proof, the Tribunal has rightly taken the income of the deceased as ₹3500/- per month. All the heads of claims are taken care sufficiently, thus, there is no scope for further enhancement.

I have heard learned counsel for the parties and appraised the paper book. In the absence of any documentary proof, I will take the income of deceased as ₹4214/- per month as per minimum wages in the year 2010. However, I will provide 40% increase on the same towards future prospects, make a deduction of one half and adopt a multiplier of 18 suitable to the age of the deceased to assess the loss of dependency as ₹6,37,157/-. I will further add to it ₹30,000/- i.e. ₹15,000/- each towards loss of estate and funeral expenses.

In all, the compensation payable shall be ₹6,67,157/-. 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 equally between the claimants. 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 30, 2017
Pankaj*

Whether reasoned/speaking Yes

Whether reportable No