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

FAO No.89 of 2012
Date of Decision.24.11.2017

Saroj Bala and others ....Appellants

Vs

Bhoop Singh and others ....Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. B.K. Bagri, 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-Subhash who died in a motor accident on 11.10.2009. The claimants are widow, one son, one daughter and mother. He retired as army personnel and after retirement was engaged in the business of dairy farming and agriculture.

In the absence of any documentary proof qua his income from diary farming and agriculture, the Tribunal took the income of the deceased as ₹4200/- per month including the pension of ₹1591/- per month he was getting being an ex-serviceman. It applied a deduction of $1/4^{th}$ towards personal expenses and adopted a multiplier of 13 to assess a compensation of ₹5,06,400/- including ₹5000/- for funeral expenses and ₹10,000/- for loss of consortium.

Learned counsel appearing on behalf of the appellants contends that the Tribunal grossly erred in not providing any increase for future prospects, much less, the amount assessed towards loss of consortium and funeral expenses is also on lower side in view of the ratio decidendi culled out by Hon'ble Supreme Court in ***National Insurance Company Ltd. Vs. Pranay Sethi and others*** passed in Special Leave Petition (Civil) No.25590 of 2014 on 31.10.2017, thus, the award passed by the Tribunal is liable to be modified.

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. The pension shall accrue to the widow, therefore, there is no loss of pension to the legal representatives of the deceased. However, I will take the value of the services of the deceased as ₹3500/- per month and provide an increase of 25% on the same towards future prospects. I will make a deduction of 1/4th towards personal expenses and apply a multiplier of 13 to assess the loss of dependency as ₹5,11,875/-. 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 ₹5,81,875/-. 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 2:2:2:1. 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