

In the High Court of Punjab and Haryana at Chandigarh

F.A.O No. 5439 of 2014 (O&M)

Date of Decision: 16.11.2017

Tejpal Kaur and others

.....Appellants

Versus

Rajan Sofat and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. J.K.Singla, Advocate
for the appellants.

Mr. Harsh Aggarwal, Advocate
for respondent No. 3.

ANITA CHAUDHRY, J

This is the claimants' appeal seeking enhancement in the award dated 16.2.2013 passed by the Motor Accident Claims Tribunal, Ludhiana.

Avtar Singh was 47 years old and he was working as an Oilman with a private company and getting salary of Rs. 7195/- per month. He was a permanent employee and his EPF was being deducted. The Tribunal made a deduction of 1/4th and applied the multiplier of 12 and calculated the compensation to be Rs. 7,77,600/-. Additionally a sum of Rs. 5,000/- was allowed for loss of consortium and Rs. 5,000/- for funeral expenses.

The submission on behalf of the appellants is that after the decision by the larger Bench in *National Insurance Company Limited versus Pranay Sethi and others, SLP (Civil) No. 25590 of 2014, decided on 31.10.2017*, the addition in this case would be 25% and a wrong multiplier had been applied and the claimants were entitled to a higher amount on the miscellaneous heads.

prospects in **Pranay Sethi**'s case (supra) decided on 31.10.2017. The deceased was working with a private firm and was getting salary of Rs. 7195/- per month. His salary slips had been produced on record. EPF was also being deducted. The deceased was 47 years old and the Tribunal had applied the multiplier of 12 which should have been 13. An addition towards future prospects will have to be made. Taking the income to be Rs. 7195/- per month and making an addition of 25%, the total income for calculation would come to Rs. 8993/-. Making a deduction of 1/4th, the amount available for the family would be Rs. 6745/- and the compensation would come to Rs. 6745 x 12 x 13 = 10,52,220/-. To this Rs. 15,000/- is allowed for funeral expenses, Rs. 15,000/- for loss of estate and Rs. 40,000/- for loss of consortium. The total of this comes to Rs. 11,22,220/-. The Tribunal had allowed Rs. 7,87,600/- which would be deducted and the balance amount i.e. Rs. 3,34,620/- would be paid to the claimants with interest @ 6% by the insurance company from May 2014 till its realization.

The appeal is partly allowed.

(ANITA CHAUDHRY)
JUDGE

November 16, 2017

Gurpreet

Whether speaking/reasoned	:	Yes
Whether reportable	:	No