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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-2053-1997
Date of decision : 27.04.2018

Krishan and another

... Appellant(s)

Versus

Kallu Khan and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Rishab Lohan, for
Mr. R.N. Lohan, Advocate
for the appellants.

None for the respondents.

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AMIT RAWAL, J. (ORAL)

The present appeal has been preferred by the claimants being the parents of Surinder Singh, who died in a motor accident occurred on 26.09.1996, for enhancement of compensation against the Award passed by the Tribunal, whereby a consolidated compensation of ₹1 Lac along with interest @ 12% per annum, had been awarded.

Learned counsel appearing on behalf of the appellants-claimants submits that the Tribunal has awarded a consolidated compensation to the tune of ₹1 Lacs, which is on lower side. Moreover, no increase was made in the salary towards future prospects, much less, no amount on account of funeral expenses and loss of estate was granted, thus, there is scope for enhancement.

There is no representation on behalf of respondent

No.3/Insurance Company being the contesting respondent, despite service. Since the appeal is of 1997, I proceed to decide the appeal on merits.

I have heard the learned counsel for the appellant and appraised the paper book and of the view that there is a scope of enhancement as the consolidated compensation to the tune of ₹1 Lac is on lower side and accordingly, I take the income of the deceased as ₹1,417/- per month i.e. minimum wages to a person applicable for the year 1996 and provide 40% future prospects and apply a multiplier of '18', much less, deduction of ½ to assess the loss of dependency as ₹2,14,250/-. However, I will further add to it ₹30,000/- towards conventional heads i.e. loss of estate and funeral expenses as per the latest judgment dated 31.10.2017 rendered by Hon'ble the Supreme Court in ***SLP (Civil) No.25590 of 2014*** titled as ***"National Insurance Company Ltd. V/s Pranay Sethi and others".***

In all the compensation payable shall be ₹2,44,250/-. The amount in excess over what has already been provided by the Tribunal shall also attract interest @ 6% per annum from the date of filing of the appeal till its realization. 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

27.04.2018
Yogesh Sharma

Whether speaking/reasoned **[✓ Yes]/ No**

Whether Reportable **Yes/ [✓ No]**