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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision : 24.01.2018

1. **FAO-607-2000**

Gursewak Singh and another

... Appellants

Versus

Lal Chand and others

... Respondents

2. **FAO-1326-2001**

Swaranjit Kaur and another

... Appellants

Versus

Lal Chand and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Vinod Kumar Kataria, Advocate
for the appellant(s) in FAO-607-2000.

Mr. B.S. Sidhu, Advocate
for the appellant(s) in FAO-1326-2001.

Mr. Paul S. Saini, Advocate
for the respondent(s)/Insurance Company.

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AMIT RAWAL, J. (ORAL)

This order of mine shall dispose of two appeals bearing ***FAO No.607 of 2000*** titled as ***"Gursewak Singh and another V/s Lal Chand and others"*** at the instance of parents of the deceased Kuldeep Singh and ***FAO No.1326 of 2001*** titled as ***"Swaranjit Kaur and another V/s Lal Chand and others"*** at the instance of the widow and minor daughter of the deceased Kuldeep Singh". Both the appeals have been filed against the common award dated 01.09.1999 rendered by the Tribunal, whereby the compensation of ₹2,09,000/- along with interest @ 12% has been awarded.

Learned counsel appearing on behalf of the appellants-claimants submits that the Tribunal has awarded the compensation to the tune of ₹2,09,000/-, which is on lower side. The deceased Kuldeep Singh, aged 22 years, was an agriculturist and was earning ₹10,000/- per month by selling the milk of the milch animals, but the Tribunal took the income of the deceased as ₹ 1,500/- per month and wrongly applied the multiplier of '17', whereas it should have '18'. Moreover, no increase was made in the salary towards future prospects and the amount of ₹5,000/- towards loss of consortium and funeral expenses, is also too meagre, thus, there is scope for enhancement.

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 the learned counsel for the parties and appraised the paper book and of the view that there is a scope of enhancement as the compensation to the tune of ₹2,09,000/- is on lower side and accordingly, I take the income of the deceased as ₹1,500/- per month as taken by the Tribunal and provide 40% future prospects and apply a multiplier of '18' instead of '17', much less, deduction of 1/4th to assess the loss of dependency as ₹3,40,200/-. I will further add to it ₹70,000/- towards conventional heads i.e. loss of consortium, 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 ₹4,10,200/-. 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 enhanced amount shall be distributed amongst the appellants-claimants in both the appeals as per proportion made by the Tribunal.

The award passed by the Tribunal is modified to the above extent and the appeals are allowed.

(AMIT RAWAL)
JUDGE

24.01.2018
Yogesh Sharma

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

Whether Reportable **Yes/ [✓ No]**