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

FAO-2192-2001
Date of decision : 01.02.2018

Indira and others

... Appellant(s)

Versus

Balbir Singh and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Abhinav Kalia, Advocate
for the appellant(s).

Mr. Digvijay Singh, Advocate.

Mr. Atul Gaur, Advocate for
Mr. Sumeet Goel, Advocate
for respondent No.3.

Mr. Dheeraj Narula, Advocate
for respondent Nos.1 and 2.

Mr. Jagjit Singh Chatrath, Advocate for
Mr. Ashwani Talwar, Advocate
for the respondent(s).

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AMIT RAWAL, J. (ORAL)

The appeal has been preferred by the claimants being widow, mother, minor daughter and two sons of Balbir Singh, aged 25 years, who unfortunately died in a motor accident occurred on 09.06.1999, for enhancement of compensation against the Award passed by the Tribunal, whereby a compensation of ₹2,49,800/- along with interest @ 12% per annum, has been awarded.

Learned counsel appearing on behalf of the appellants-claimants submits that the Tribunal has awarded the compensation to the tune of ₹2,49,800/-, which is on lower side as the Tribunal has wrongly applied the multiplier of '17' whereas it should have '18'. Moreover, no increase was made in the salary towards future prospects and an amount of ₹5,000/- for 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 ₹2,49,800/- is on lower side as no increase towards future prospects has been made and multiplier of '18' should have been applied instead of '17'. Accordingly, I take the income of the deceased as ₹1,800/- per month as has been taken by the Tribunal and provided 40% increase towards future prospects and apply a multiplier of '18' instead of '17', much less, deduction of 1/4th to assess the loss of dependency as ₹4,08,240/-. 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 ₹4,78,240/-. 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 enhanced amount shall be distributed amongst the appellants-claimants in the ratio of 2:1:2:2:2. 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

01.02.2018
Yogesh Sharma

✓
Whether speaking/reasoned **Yes/ No**
✓
Whether Reportable **Yes/ No**