

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

FAO No.2033 of 2002

Date of Decision:-24.1.2018

Kashmir Kaur and others

...Appellants

Versus

Jodha Singh and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Vikram Singh, Advocate
for the appellants.

Mr. Ashish Gupta, Advocate
for respondent No.2.

Mr. Neeraj Khanna, Advocate
for respondent No.3-National Insurance Company.

Mr. Parveen Sharma, Advocate
for respondent No.5.

Mr. V.K. Garg, Advocate
for respondent No.6.

AMIT RAWAL J.(Oral)

The present appeal has been preferred by the claimants being the widow and minor children of Jang Singh @ Malkiyat Singh, who died in a motor accident occurred on 22.06.1997, for enhancement of compensation against the Award passed by the Tribunal, whereby a compensation of Rs.3,33,200/- along with interest @ 9% per annum, had

been awarded.

Learned counsel appearing on behalf of the appellants-claimants submits that the Tribunal has awarded the compensation to the tune of Rs.3,33,200/-, which is on lower side as the Tribunal took the income of the deceased as Rs.2500/-. The Tribunal has wrongly applied the multiplier of '14', whereas it should have '16'. Moreover, no increase was made in the amount towards future prospects, much less, compensation towards conventional heads was too meagre, thus, there is scope for enhancement.

On the other hand, learned counsel appearing on behalf of the respondents 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 Rs.3,33,200/- is on lower side and accordingly, I take the income of the deceased as Rs.2500/- per month as has been taken by the Tribunal and provide 25% future prospects and apply a multiplier of '13' instead of 14, much less, deduction of $\frac{1}{4}^{\text{th}}$ to assess the loss of dependency as Rs.3,65,625/-. I will further add to it Rs.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 Rs.4,35,625/-. 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 equally amongst the claimants. 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.

January 24, 2018
Vijay Asija

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No