

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

**FAO No.27 of 2004 (O & M)
Date of Decision:-6.2.2018**

Parminder Kaur Aulakh and others

...Appellants

Versus

Bhupinder Singh and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Vivek Suri, Advocate
for the appellants.

Mr. Subhash Goel, Advocate for
Mr. Ravinder Arora, Advocate
for respondent No.3-Insurance Company.

AMIT RAWAL J.(Oral)

CM No.34-CII of 2004

This is an application for condonation of delay of 22 days in re-filing the appeal.

For the reasons mentioned in the application, which is supported by an affidavit, same is allowed and the delay of 22 days in re-filing the appeal is condoned.

CM stands disposed of.

FAO No.27 of 2004

The present appeal has been preferred by the claimants being

the widow and sons and daughter of Kundan Singh, who died in a motor accident occurred on 20.2.1999, for enhancement of compensation against the Award passed by the Tribunal, whereby a compensation of Rs.17,55,000/- 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.17,55,000/-, which is on lower side as the Tribunal took the income of the deceased as Rs.28,000/- per month. The Tribunal has wrongly applied the multiplier of '8', whereas it should have '9'. Moreover, no increase was made in the salary towards future prospects, much less, compensation towards conventional heads is too meager, 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 Rs.17,55,000/- is on lower side and accordingly, I take the income of the deceased, after deducting the income tax, as Rs.29,372/- per month and provide 15% future prospects and apply a multiplier of '9' instead of '8', much less, deduction of 1/4th to assess the loss of dependency as Rs.27,36,000/-. However, I will provide 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,28,06,000/-. 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 appellants-claimants. The liability shall remain the same as has already been determined by the Tribunal.

Appeal stands allowed.

February 06, 2018
Vijay Asija

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No