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

FAO-532-2003

Date of decision : 18.01.2018

Amarjit Kaur and others

... Appellant(s)

Versus

M/s Jhang Transport Company (P) Ltd. and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWALPresent: Mr. Premjit Kalia, Advocate
for the appellant(s).

Mr. Neeraj Khanna, Advocate for
Mr. Ravinder Arora, Advocate
for respondent No.3.

AMIT RAWAL, J. (ORAL)

The present appeal has been preferred by the claimants being the widow and minor children of Joginder Singh, who died in a motor accident occurred on 02.05.1999, for enhancement of compensation against the Award passed by the Tribunal, whereby a compensation of ₹2,56,000/- 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 ₹2,56,000/-, which is on lower side as the Tribunal took the income of the deceased as ₹2,000/-. The Tribunal has wrongly applied the multiplier of '16', whereas it should have '18'. Moreover, no increase was made in the salary towards future prospects, much less, no compensation towards conventional heads has been granted, 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 ₹2,56,000/- is on lower side and accordingly, I take the income of the deceased as ₹2,000/- per month as has been taken by the Tribunal and provide 40% future prospects and apply a multiplier of '18' instead of 16, much less, deduction of 1/3rd to assess the loss of dependency as ₹4,03,200/-. 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 ₹4,73,200/-. 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 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.

18.01.2018

Yogesh Sharma

**(AMIT RAWAL)
JUDGE**

✓

Whether speaking/reasoned **Yes/ No**

✓

Whether Reportable **Yes/ No**