

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

**FAO No.1045 of 2005
Date of decision:22.01.2018**

Shankuntala and another

... Appellants

Vs.

Anil Kumar and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Ashwani Arora, Advocate
for the appellants.

Mr. Ashwani Talwar, Advocate
for respondent No.2.

AMIT RAWAL J. (Oral)

The present appeal has been preferred by the claimants being the wife and minor son of Satish Kumar, who died in the motor accident occurred on 05.11.2002, for enhancement of compensation against the award passed by the Tribunal, whereby, a compensation of ₹11,08,890/- alongwith interest @ 9% per annum, has been awarded.

Learned counsel appearing on behalf of the appellant-claimants submitted that the Tribunal has awarded the compensation to the tune of ₹11,08,890/-, which is on the lower side as the Tribunal took the income of deceased as ₹8625/- per month. The Tribunal has wrongly applied the multiplier of '15', whereas, it should have '14'. Moreover, no increase was made in the salary towards future prospects and the amount of ₹5,000/- towards the loss of consortium, ₹5,000/- on account of loss of estate and

₹1,08,890/- towards medical expenses, is also too meagre, thus, there is scope for enhancement.

On the other hand, learned counsel appearing on behalf of the Insurance Company submitted that the Tribunal has taken care of all the heads sufficiently and there is no scope for further enhancement, thus, urged this Court for dismissal of the appeal.

I have heard 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 ₹11,08,890/- is on the lower side and accordingly, I take the income of the deceased ₹8625/- per month and provide 30% future prospects and apply a multiplier of '14' instead of '15', much less deduction of $1/3^{\text{rd}}$ to assess the loss of dependency as ₹12,55,800/-. I also provide an amount of ₹1,08,890/- towards medical expenses as awarded by the Tribunal. However, 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 rendered by Hon'ble the Supreme Court in **SLP (Civil) No.25590 of 2014 titled as “National Insurance Company Ltd. vs. Pranay Sethi and others” decided on 31.10.2017.**

In all the compensation payable shall be ₹14,34,690/-. 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 between the appellants-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.

(AMIT RAWAL)
JUDGE

January 22, 2018

savita

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No