IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 2294 of 2010 (O & M)
Date of Decision:-06.02.2018

Smt. Sajna Devi (deceased) through LRs and others

...Appellants

Versus

Hoshiyar Singh and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. J.P. Sharma, Advocate
for the applicants-appellants.

Mr. D.R. Bansal, Advocate
for respondent No.3-Insurance Company.

AMIT RAWAL J.(Oral)

CM No.15938-CII of 2017

Prayer in this application filed under Order 22 Rule 3 read with Section 151 CPC is for bringing on record the Legal Representatives of deceased appellant No.1-Smt. Sajna Devi.

For the reasons mentioned in the application, supported by an affidavit, the application is allowed and the applicants mentioned in para 3 of the application are hereby impleaded as LRs of appellant No.1.

CM stands disposed of.

FAO No.2294 of 2010

The present appeal has been preferred by the claimants being the widow (now deceased) and minor children of Jagdish, who died in a motor accident occurred on 02.2.2007, for enhancement of compensation against the Award passed by the Tribunal, whereby a compensation of ₹7,25,000/- along with interest @ 8% 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 ₹7,25,000/-, which is on lower side as the Tribunal took the income of the deceased as ₹5,000/-. 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, compensation towards conventional heads was 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 ₹7,25,000/- is on lower side and accordingly, I take the income of the deceased as ₹5,000/- per month as has been taken by the Tribunal and provide 40% future prospects and apply a multiplier of '16' as applied by the Tribunal, much less, deduction of $1/4^{th}$ to assess the loss of dependency as ₹10,08,000/-. I will further add to it ₹30,000/- towards conventional heads i.e. 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 ₹10,38,000/-. 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 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.

February 06, 2018 **(AMIT RAWAL)**
Vijay Asija **JUDGE**

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No