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

**FAO-1230 of 2011
Date of decision : 22.01.2018**

Om Parkash and another

... Appellant(s)

Versus

Jagtar Singh and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Dheeraj Narula, Advocate
for the appellants.

Mr. Vinod Gupta, Advocate
for New India Assurance Company Limited.

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AMIT RAWAL, J. (ORAL)

The present appeal has been preferred by the claimants being the parents of Sunil Kumar, who died in a motor accident occurred on 15.07.2008, for enhancement of compensation against the Award passed by the Tribunal, whereby a compensation of ₹4,37,000/- 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 ₹4,37,000/- , which is on lower side as the deceased was earning ₹ 15,000/- per month by running the Verma Digital Studio, but the Tribunal took the income of the deceased as ₹3,000/-. The Tribunal has wrongly applied the deduction of '1/3rd', whereas it should have '½'. No increase was made in the salary towards future prospects and no compensation on account of loss of estate has been granted. Moreover, amount of ₹5,000/- on account of funeral expenses, is also 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 ₹4,37,000/- is on lower side and accordingly, I take the income of the deceased as ₹3,664/- per month and provide 40% future prospects and apply a multiplier of '18', much less, deduction of ½ instead of 1/3rd to assess the loss of dependency as ₹5,54,040/-. However, 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 ₹5,84,040/-. 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

22.01.2018
sahil soni/savita

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**