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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-4279-2011

Date of decision : 08.01.2018

Smt. Raj @ Rajo and others

... Appellant(s)

Versus

Hariya and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Anshuman Dalal, Advocate
for the appellants.

Mr. Pardeep Goyal, Advocate for
Mr. Abhishek Goyal, Advocate
for respondent No.3/Insurance Company.

AMIT RAWAL, J. (ORAL)

The appeal has been preferred by the Legal Representatives of Amarjeet, who died in a motor accident occurred on 21.05.2010, for enhancement of compensation against the Award passed by the Tribunal, whereby a compensation of ₹11,08,000/- along with interest @ 7.5% 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 ₹ 11,08,000/-, which is on lower side. Multiplier of '17' should have been applied instead of '16'. Moreover, no increase was made in the salary towards future prospects and the amount of ₹20,000/- towards loss of consortium and ₹ 20,000/- for funeral expenses are 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 the compensation to the tune of ₹11,08,000/- is on lower side and accordingly, I take the income of the deceased as ₹7,425/- per month as taken by the Tribunal and provide 40% future prospects and apply a multiplier of '17' instead of '16' and deduction of 1/4th to assess the loss of dependency as ₹15,90,588/-. 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 ₹16,60,588/-. 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 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.

08.01.2018

Yogesh Sharma

**(AMIT RAWAL)
JUDGE**

✓

Whether speaking/reasoned **Yes/ No**

✓

Whether Reportable **Yes/ No**