

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

FAO No. 3110 of 2012

Date of Decision:-24.1.2018

Kulwinder Kaur and another

...Appellants

Versus

Manjit Singh and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Vikas Kumar Gupta, Advocate
for the appellants.

Mr. Ashwani Talwar, Advocate with
Ms. Priya Deep, Advocate
for respondent No.3-Insurance Company.

AMIT RAWAL J.(Oral)

The present appeal has been preferred by the claimants being the widow and minor children of Kuldeep Singh, who died in a motor accident occurred on 22.3.2010, for enhancement of compensation against the Award passed by the Tribunal, whereby a compensation of Rs.13,11,760/- along with interest @ 6% 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 Rs.13,11,760/-, which is on lower side as the Tribunal took the

income of the deceased as Rs.27,514/-. The Tribunal has wrongly applied the multiplier of '4', whereas it should have '11'. 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 ₹13,11,760/- is on lower side and accordingly, I take the income of the deceased as ₹27,514/- per month and after deducting the income tax, actual salary comes out to be ₹3,13,152/- per annum (₹26,096/- per month) and provide 15% future prospects and apply a multiplier of '11' instead of '4', much less, deduction of 1/3rd to assess the loss of dependency as ₹26,40,915/-. 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 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 ₹27,10,915/-. 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 appellants-claimants. The liability shall remain the same as has already been determined by the Tribunal.

January 24, 2018

Vijay Asija

(AMIT RAWAL)

JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No