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

FAO-3555-2013 (O&M)
Date of decision : 01.02.2018

Kulwinder Kaur and others

... Appellant(s)

Versus

Baldev Sharma and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Vijay Lath, Advocate
for the appellants.

Mr. Survir Diwan, Advocate
for respondent No.3/Insurance Company.

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AMIT RAWAL, J. (ORAL)

CM-14498-CII-2013

For the reasons stated in the application, which is supported by an affidavit, the application is allowed and the delay of 389 days in filing the appeal is condoned.

FAO-3555-2013

The appeal has been preferred by the claimants being widow, minor son and parents of Bhupinder Singh, aged 26 years, who unfortunately died in a motor accident occurred on 20.12.2009, for enhancement of compensation against the Award passed by the Tribunal, whereby a compensation of ₹19,12,096/- along with interest @ 9% per annum, has been awarded.

Learned counsel appearing on behalf of the appellants-claimants submits that the Tribunal has awarded the compensation to the tune of ₹19,12,096/-, which is on lower side. No increase was made in the salary towards future prospects and an amount of ₹5,000/- towards loss of consortium/loss of estate and ₹5,000/- for 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 ₹19,12,096/- is on lower side as no increase towards future prospects has been made. Accordingly, I take the income of the deceased as ₹13,986/- per month as has been taken by the Tribunal and provided 50% increase towards future prospects and apply a multiplier of '17', much less, deduction of $1/4^{th}$ to assess the loss of dependency as ₹32,09,787/-. 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 ₹32,79,787/-. 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. However, the appellants-claimants shall not be entitled to interest for a period of 389 days i.e. delay in filing the appeal. The enhanced amount shall be distributed amongst the appellants-claimants in the ratio of 2:1:1:2. 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

01.02.2018
Yogesh Sharma

✓
Whether speaking/reasoned **Yes/ No**
✓
Whether Reportable **Yes/ No**