

216

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

FAO-2158-2014 (O&M)

Date of decision : 30.01.2018

Harbans Kaur and others

... Appellant(s)

Versus

Pinta @ Ranbir Singh and another

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Ishan Cooner, Advocate for
Mr. J.S. Cooner, Advocate
for the appellants.

Mr. V. Ramswaroop, Advocate
for respondent No.2/Insurance Company.

AMIT RAWAL, J. (ORAL)

The appeal has been preferred by the claimants being widow, son and daughter of Raghbir Singh, who unfortunately died in a motor accident occurred on 04.03.2013, for enhancement of compensation against the Award passed by the Tribunal, whereby a compensation of ₹3,73,000/- along with interest @ 7.5% 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 ₹3,73,000/- which is on lower side as the deceased-Raghbir Singh, aged 58 years, was a retired from Indian Army and was serving as a Clerk in Spring Field School, Kakru and was earning ₹10,000/- per month. He was also getting a pension of ₹29,384/- per month. The Tribunal wrongly took

the income of the deceased as ₹ 5,000/- per month. Moreover, no increase was made in the salary towards future prospects and an amount of ₹ 9,500/- towards loss of consortium, loss of estate and funeral expenses, which 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 the Tribunal has rightly taken care of all the heads sufficient and awarded the compensation to the tune of ₹3,69,500/-. As regards the arguments with regard to the grant of future prospects, there is no force and merit in the submissions of Mr. Cooner as the deceased through retired from the Indian Army and aged 58 years , much less, he was earning ₹10,000/- by doing a job of Security Officer in the school. Accordingly, the plea for grant of future prospects is hereby rejected. However, an amount of ₹9,500/- towards conventional heads is too meagre and accordingly, I increase the same from ₹9,500/- to ₹ 70,000/- 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”**. The enhanced amount of ₹60,500/- towards conventional heads is awarded in favour of the appellant No.1 being widow of Raghbir Singh and the same 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.

30.01.2018 Yogesh Sharma	(AMIT RAWAL) JUDGE
	✓
Whether speaking/reasoned	Yes/ No
	✓
Whether Reportable	Yes/ No