

211

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

FAO-4562-2013 (O&M)

Date of decision : 08.02.2018

Hari Singh and another

... Appellant(s)

Versus

Shamsher Singh and another

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Rajbir Singh Arya, Advocate
for the appellant(s).

Mr. Subhash Goyal, Advocate
for respondent No.2/Insurance Company.

AMIT RAWAL, J. (ORAL)

The appeal has been preferred by the claimants being parents of Sonu, aged 24 years, who unfortunately died in a motor accident occurred on 15.06.2010, for enhancement of compensation against the Award passed by the Tribunal, whereby a compensation of ₹6,58,000/- 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 ₹6,58,000/- which is on lower side as the deceased-Sonu was employed as Taxi Operator and seasonal foreman-cum-driver Combine Operator and was earning ₹ 24,000/- per month, but the Tribunal took the income of the deceased as ₹ 5400/-.

He further submits that the Tribunal applied the multiplier of

'15' whereas it should have '18' as the deceased at the time of accident was 24 years and deduction should have ' $\frac{1}{2}$ ' instead of $\frac{1}{3}$ rd. Moreover, no increase was made in the salary towards future prospects and an amount of ₹10,000/- towards funeral expenses is also on lower side, 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 ₹6,58,000/- is on lower side, much less, the Tribunal wrongly applied the deduction of ' $\frac{1}{3}$ rd' instead of ' $\frac{1}{2}$ ' and multiplier of '15' instead of '18'. Accordingly, I take the income of the deceased as ₹5,400/- per month as has been taken by the Tribunal and provide 40% future prospects and apply a multiplier of '18' instead of 15, much less, deduction of ' $\frac{1}{2}$ ' to assess the loss of dependency as ₹8,16,480/-. 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 ₹8,46,480/-. 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 among 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.

08.02.2018 Yogesh Sharma	(AMIT RAWAL) JUDGE
	✓
Whether speaking/reasoned	Yes/ No
	✓
Whether Reportable	Yes/ No