

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

FAO-2548-2015 (O&M)
Date of decision : 23.01.2018

Smt.Dalbir Kaur & another

... Appellant(s)

Versus

Kashmiri Lal and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr.Neeraj Khanna, Advocate,
for the appellants.

Mr.Nitin Kamboj, Advocate for
Mr.Munish Mittal, Advocate,
for respondent No.1.

AMIT RAWAL, J. (ORAL)

CM Nos.7768-CII &7769-CII of 2015

For the reasons mentioned in the applications, which are supported by affidavits, delay of 256 days in re-filing and 65 days in filing the appeal is condoned.

Application stand disposed of.

FAO No.2548 of 2015

The present appeal has been preferred by the legal representatives/parents of Dalip Singh, who died in a motor accident occurred on 8.4.2012, for enhancement of compensation against the award passed by the Tribunal, whereby a compensation of ₹7,27,000/- along with interest @ 6% per annum, had been awarded.

Mr.Neeraj Kamboj, learned counsel appearing on behalf of the appellants-claimants submits that the Tribunal has awarded the

compensation to the tune of ₹7,27,000/-, which is on lower side. The deceased was working as a Labourer and was earning ₹10,000/- per month, but the Tribunal took the income of the deceased as ₹60,000/- per annum (₹5,000/- per month). Moreover, only 30% increase was made in the salary towards future prospects instead of 40%. The amount of ₹25,000/- towards funeral expenses is also too meager.

On the other hand, Mr.Nitin Kamboj Advocate for Mr.Munish Mittal, learned counsel appearing on behalf of respondent No.1 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 ₹7,27,000/- is on lower side. Accordingly, I take the income of the deceased as 60,000/- per annum (5,000/- per month) and provide 40% future prospects and apply a multiplier of '18', much less, deduction of $\frac{1}{2}$ to assess the loss of dependency as ₹7,56,000/-. I will further add ₹30,000/- towards conventional heads, i.e., loss of estate and funeral expenses as per the latest judgment dated 31.10.2017 rendered by the Hon'ble Supreme Court in **SLP (Civil) No.25590 of 2014 (National Insurance Company Ltd. Versus Pranay Sethi & others)**. In all the compensation payable shall be ₹7,86,000/-. 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.

The award passed by the Tribunal is modified to the above extent and the appeal stands allowed.

**(AMIT RAWAL)
JUDGE**

**January 23, 2018
ramesh**

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**