

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

F.A.O.No.4922 of 2013 (O&M)
Date of Decision: January 23, 2018

Paramjit Kaur & others

...Appellants

Versus

Gurvinder Singh alias Gagan & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

Present: None.

AMIT RAWAL, J. (Oral)

CM No.20907-CII of 2013

For the reasons mentioned in the application, which is supported by an affidavit, delay of 87 days in filing the appeal is condoned.

CM stands disposed of.

FAO No.4922 of 2013

The present appeal has been preferred by the legal representatives of Sardool Singh, who died in a motor accident occurred on 22.10.2011, for enhancement of compensation against the award passed by the Tribunal, whereby a compensation of ₹7,40,000/- along with interest @ 6% per annum, had been awarded.

As per the averments in the grounds of appeal, the Tribunal has awarded the compensation to the tune of ₹7,40,000/-, which is on lower side. The deceased was working as a Labourer and earning ₹10,000/- per month, but the Tribunal took the income of the deceased as ₹72,000/- per annum (₹6,000/- per month). Moreover, no increase was made in the salary

towards future prospects and the amount of ₹10,000/- towards loss of consortium and ₹5,000/- each on account of loss of estate and funeral expenses, is also too meager.

No one has put in appearance on behalf of the parties.

In my view, there is a scope of enhancement as the compensation to the tune of ₹7,40,000/- is on lower side. Accordingly, I take the income of the deceased as ₹72,000/- per annum (₹6,000/- per month) as taken by the Tribunal and provide 25% future prospects and apply a multiplier of '15', much less, deduction of 1/3rd to assess the loss of dependency as ₹9,00,000/-. 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 ₹9,70,000/-. 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. However, appellants are not entitled to interest part for the delay in filing the appeal. The enhanced amount shall be distributed amongst the appellants-claimants in equal shares. 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.

January 23, 2018
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No