

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

FAO No. 4643 of 2014

Date of decision : November 14, 2018

Manju Rani

..... Appellant

v.

Gurmail Singh and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Pardeep Sehrawat, Advocate
for the appellant.

Mr. VK Garg, Advocate
for respondent No.2.

Mr. Saksham Malhotra, Advocate
for Mr. Amar Vivek, Advocate
for respondents No.3 and 4.

Ajay Tewari, J (Oral)

This appeal has been filed for enhancement of compensation on account of death of Neeraj Kumar on 31.7.2012 in a road vehicular accident. Since the relief claimed is for enhancement of compensation, further reference to the detailed facts would not be necessary.

I find that the deceased was a highly qualified professional who had got his Master degree in M.Sc Computer Science and had also passed B.Ed examination. In the circumstances, income of ₹ 6000/- per month which was taken by the Tribunal on the basis of wages of a skilled labourer was, in my opinion, highly inadequate. It is also apt to notice here that in

the year 2012, the minimum income which was accessible to income tax was ₹2 lakhs, which would work out to be about ₹ 16,000/- a month. Keeping in view the qualifications of the deceased, I deem it appropriate to take his income at ₹ 8,000/- per month. In view of the decision of the Supreme Court in National Insurance Company Limited vs Pranay Sethi and others, 2017(4) RCR (Civil) 1009, future prospects would be 40%. Multiplier of 16 is appropriate and the deduction of 1/3rd is also appropriate. I find that under the conventional heads, only a sum of ₹20,000/- has been awarded. In view of the decision in Pranay Sethi and others' case (supra), I award a sum of ₹50,000/- more. I also find that in view of the decision of the Supreme Court in Civil Appeal No.9581 of 2018, Magma General Insurance Company Ltd vs Nanu Ram @ Chuhru Ram and others, decided on 18.9.2018, it would be appropriate to grant interest @ 12% pa on the enhanced compensation from the date of application till the date of payment. I further find that the Tribunal had awarded 1/3rd of the compensation to respondent No.4 (father) who, otherwise, was not entitled to the same. In the circumstances, the entire enhanced amount of compensation would be given to the appellant. The remaining Award shall remain unchanged. This appeal stands disposed of.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

(AJAY TEWARI)
JUDGE

November 14, 2018
'kk'

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No