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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-256-2016 (O&M)

Date of decision : 10.01.2018

Suresh Kumar and others

... Appellant(s)

Versus

Sanwar Singh Rawat @ Sawrea and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Vivek Suri, Advocate
for the appellants.

Ms. Vandana Malhotra, Advocate
for respondent No.3/Insurance Company.

AMIT RAWAL, J. (ORAL)

The appeal has been preferred by the appellants-claimants being the husband and the sons deceased Seema, who died in a motor accident occurred on 05.08.2013, for enhancement of compensation against the Award passed by the Tribunal, whereby a compensation of ₹6,09,000/-, had been awarded.

Learned counsel appearing on behalf of the appellants-claimants submits that the Tribunal has awarded the compensation to the tune of ₹6,09,000/-, which is on lower side. The Tribunal has also granted ₹1,00,000/- towards loss of consortium, ₹1,00,000/- towards love and affection, much less, an amount of ₹25,000/- on account of funeral expenses. The deceased was doing the work of stitching and knitting and was earning ₹9,000/- per month, but the Tribunal took the income of the

deceased as ₹2,000/-. Moreover, no increase was made in the salary towards future prospects, 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 ₹6,09,000/-, which is on lower side and accordingly, I take the income of the deceased as ₹5,000/- per month and apply a multiplier of '16' to assess the loss of dependency as ₹9,60,000/-.

As regards the grant of compensation towards conventional heads, the Tribunal has already granted ₹1,00,000/- towards loss of consortium, ₹1,00,000/- towards love and affection, much less, an amount of ₹25,000/- on account of funeral expenses. I hereby reduce the same from ₹2,25,000/- to ₹70,000/- towards conventional heads i.e. loss of estate, loss of consortium 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”** and by exercising the power under Order 41 Rule 33 CPC as per the *ratio decidendi* culled out by the Hon'ble Supreme Court in **“U.P.S.R.T.C. V/s Km. Mamta and others” (2016) 4 SCC 172.**

In all the compensation payable shall be ₹10,30,000/-. 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 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.

10.01.2018 Yogesh Sharma	(AMIT RAWAL) JUDGE
	✓
Whether speaking/reasoned	Yes/ No
	✓
Whether Reportable	Yes/ No