IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No. 5937 of 2014
Date of Decision:-24.01.2018

Rajabala and others

...Appellants

Versus

Ramesh and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. C.S. Singhal, Advocate
for the appellants.

Mr. Suvir Dewan, Advocate
for respondent No.4.

AMIT RAWAL J.(Oral)

CM No.16490-CII of 2014

For the reasons mentioned in the application supported by an affidavit, the application is allowed and the delay of 25 days in re-filing the appeal is condoned.

CM No.16491-CII of 2014

For the reasons mentioned in the application supported by an affidavit, the application is allowed and the delay of 37 days in filing the appeal is condoned.

FAO No.5937 of 2014

The present appeal has been preferred by the claimants being the widow and two minor children of Anil Kumar, who died in a motor accident occurred on 29.5.2012, for enhancement of compensation against the Award passed by the Tribunal, whereby a compensation of ₹7,19,000/- along with interest @ 7.5% per annum, had been awarded.

Learned counsel appearing on behalf of the appellants-claimants submits that the Tribunal awarded the compensation to the tune of ₹7,19,000/-, which is on lower side as the Tribunal took the income of the deceased as ₹5500/-. The Tribunal has wrongly applied the multiplier of '16'. Moreover, no increase was made in the amount towards future prospects, much less compensation towards conventional heads was too meagre, 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 ₹7,19,000/- is on lower side and accordingly, I take the income of the deceased as ₹5500/- per month as has been taken by the Tribunal but provide 40% future prospects and apply a multiplier of 16, much less, deduction of 1/3rd to assess the loss of dependency as ₹9,85,536/-. 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 ₹10,55,536/-. 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.

January 24, 2018 **(AMIT RAWAL)**
Vijay Asija **JUDGE**

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No