

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

**FAO No.6207 of 2014 (O & M)  
Date of Decision:-06.2.2018**

Garib Dass and others

...Appellants

Versus

Gurdeep Singh and others

...Respondents

**CORAM:- HON'BLE MR. JUSTICE AMIT RAWAL**

Present:- Mr. Lakhwinder, Advocate for  
Mr. Rajeev Dev Sharma, Advocate  
for the appellants.

Mr. Neeraj Khanna, Advocate for  
Mr. Ravinder Arora, Advocate  
for respondent No.3.

Mr. R.C. Kapoor, Advocate  
for respondent No.6.

**AMIT RAWAL J.(Oral)**

The present appeal has been preferred by the claimants being the husband and sons of deceased Nirmala Devi, who died in a motor accident occurred on 02.8.2012, for enhancement of compensation against the Award passed by the Motor Accident Claims Tribunal, Pathankot whereby a compensation of Rs.5,04,000/- along with interest @ 6% per annum, had been awarded.

Learned counsel appearing on behalf of the appellants-

claimants submits that the Tribunal has awarded the compensation to the tune of Rs.5,04,000/-, which is on lower side as the Tribunal wrongly taken the income of the deceased as Rs.3,000/- per month. Moreover, no increase was made in the salary towards future prospects, much less, no compensation towards conventional heads has been granted, thus, there is scope for enhancement. Even the Tribunal has wrongly granted the interest as 6% whereas it should have been 12%.

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 Rs.5,04,000/- is on lower side and accordingly, I take the income of the deceased as Rs.5000/- per month and apply a multiplier of '14', assess the loss of dependency as Rs.8,40,000/-. However, I will further add to it Rs.70,000/- towards 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 Rs.9,10,000/-. 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 amongst the

appellants-claimants in the ratio of 2:1:1:1. The liability shall remain the same as has already been determined by the Tribunal.

The appeal stands allowed.

February 06, 2018

Vijay Asija

( AMIT RAWAL )

JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No