

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

221

FAO-4621-2015 (O&M)

Date of Decision : 29.08.2018

Smt. Sunita Kaushal and others

..... Appellants

Versus

Baljit Singh and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present: Mr. Ashwani Arora, Advocate
for the appellants.

None for respondent No.1.

Ms. Navjot Kaur, Advocate
for Mr. Vishal Gupta, Advocate
for respondent No.2.

Ms. Vandana Malhotra, Advocate
for respondent No.3-insurance company.

AJAY TEWARI, J. (Oral)

This appeal has been filed for enhancement of compensation and for modifying the award dated 08.01.2015 passed by the Tribunal awarding compensation of Rs.10,29,424/- alongwith interest @ 6% p.a. on account of death of Rattan Chand Kaushal.

Since very limited issue has been raised the detailed reference to the facts is not required.

Counsel for the appellants has argued that the benefits received

Rs.1,32,000/- which comes to Rs.5,40,696/- in toto could not have been deducted from the compensation.

Counsel for respondent Nos.2 & 3 are not in a position to deny this fact.

Consequently, I hold that an amount of Rs.5,40,696/- be added in the compensation.

Counsel for the appellants has then argued that the as per the judgment of the Supreme Court in *Sarla Verma and others v. Delhi Transport Corporation and another, 2009 ACJ 1298*, the multiplier of 13 has to be applied instead of 11.

Counsel for the respondent Nos.2 & 3 have fairly accepted this fact.

In the circumstances, it is held that the multiplier of 13 be applied.

Counsel for the respondent No.3 has pointed out that under the conventional head a sum of Rs.2,50,000/- has been awarded and as per the judgment of the Supreme Court in *National Insurance Company Ltd. vs. Pranay Sethi and others, 2017(4) RCR (Civil)1009*, it could not be more than Rs.70,000/-.

I find this to be correct. Consequently, I reduce an amount of Rs.1,80,000/- under the conventional heads.

Counsel for the appellants has then argued that the interest @ 6% p.a. is too low. I find merit in this argument. Consequently, I hold that the entire compensation would carry interest @ 7.5% p.a. The apportionment and management would be as per the directions of the

Tribunal.

Appeal stands disposed of and the award is modified accordingly.

Since the main cases have been decided, the pending civil miscellaneous application, if any, also stands disposed of.

August 29, 2018
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No