

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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FAO-7692-2014 (O&M)

Date of Decision : 04.12.2018

Smt. Sarita and others

..... Appellants

Versus

Jagbir and others

.... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present: Mr. Sukhdeep Parmar, Advocate
for the appellants.

Ms. Priyadeep, Advocate
for Mr. Ashwani Talwar, Advocate
for the respondent No.3.

AJAY TEWARI, J. (ORAL)

This appeal has been filed against the award dated 01.05.2014 awarding compensation of Rs.6,88,000/- alongwith interest @ 7.5% p.a. on account of death of Jagdish in a motor vehicle accident which took place on 15.02.2012.

Since the issue only relates to quantum, therefore, further detailed reference to the facts is not required.

Counsel for the appellants has argued that in the year 2012 the minimum wages for an unskilled worker in Haryana was Rs.4847/- p.m. i.e. Rs.4900/- approx. and the Tribunal has wrongly taken it as Rs.4500/- p.m.

Counsel for the respondent No.3 is not in a position to deny this fact.

Consequently, I hold that the income of the deceased be taken as

Rs.4900/- p.m.

Counsel for the appellants further states that nothing has been awarded on account of future prospects and it had to be 40% in view of the judgment of the Supreme Court in ***National Insurance Company Ltd. vs. Pranay Sethi and others, 2017(4) RCR (Civil)1009.*** Counsel for the respondent No.3 has accepted this fact. Consequently, I award future prospects of 40%.

Counsel for the appellants further states that under the conventional heads only an amount of Rs.40,000/- has been awarded whereas there is a wife and two minor children and one old mother who were the claimants. As per the counsel, the appellants are entitled to Rs.1,90,000/- under the conventional heads in view of the judgments of the Supreme Court in Pranay Sethi's case (supra) and ***Magma General Insurance Company Ltd., Vs. Nanu Ram @ Chuhru Ram & ors., Civil Appeal No.9581 of 2018 arising out of SLP (Civil) No.3192 of 2018, decided on 18.09.2018.*** Counsel for the respondent No.3 is not in a position to deny this fact. Consequently, I award Rs.1,50,000/- more under the conventional heads i.e. Rs.15000/- towards loss of estate and Rs.10,000/- more towards loss of consortium to the appellant No.1 and Rs.5000/- more towards funeral expenses and Rs.40,000/- each to appellants No.2 to 4 towards loss of filial consortium.

I further find that the interest @ 7.5% p.a. which has been awarded by the Tribunal is very low. Consequently, in view of the judgment of the Supreme Court in Magma General Insurance Company Ltd.'s case (supra), I award interest @ 12% p.a. on the enhanced amount

it is held that apart from the individual amounts awarded, the apportionment and management would be as per the order of the Tribunal. However, the entire share of the appellants No.1 and 4 would be disbursed to them while that of the minors would be put in a fixed deposit till the age of majority.

Appeal stands allowed in the above terms.

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

December 04, 2018

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**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No