IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.7780 of 2014
Date of decision: 28.05.2018

Swaran Kaur and others
.......Appellants

versus

Sudhir Kumar and others
......Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Jatinder Nagpal, Advocate, for the appellants.
Mr. Deepak Malhotra, Advocate, for Union of India.

RAMENDRA JAIN, J. (ORAL)

Prayer through instant appeal has been made for enhancement of compensation, modifying the impugned award dated 07.05.2014 of the Motor Accident Claims Tribunal, Ambala (hereinafter referred to as the 'Tribunal').

In compliance to order dated 23.05.2018, learned counsel for the appellants has produced the calculations according to the law laid down by the Hon'ble Supreme Court in ***National Insurance Company Limited v. Pranay Sethi and others****, 2017(4) R.C.R.(Civil) 1009.* The same are taken on record as Mark 'A'.

Both the parties are *ad idem* that this appeal has to be decided in accordance with the judgment of the Hon'ble Supreme Court in ***National Insurance Company Limited*** (supra) as per calculations (Mark 'A') furnished by learned counsel for the appellants, applying the multiplier of 15, as has been applied by the learned Tribunal.

Learned counsel for Union of India, though has fairly conceded to the method of calculation, but has raised objection to the income of the deceased taken at ₹6,000/- per month on the ground that minimum wages at the time of death of the deceased prescribed by the Punjab Government was ₹5,472/- per month. Said Amrik Singh died on 25.08.2012 and the labour wages was revised to ₹6,877/- per month from 01.09.2012. Therefore, the appellants-claimant are entitled to compensation taking wages of the deceased, which were prevalent in the month of August, 2012 i.e. ₹5,472/- per month.

Having given considerable thought to the submissions of learned counsel for both the sides, I do not find any merit in the contentions of learned counsel for the Union of India, considering the fact that wages of ₹5,472/- per month was made applicable by the Punjab Government w.e.f. February, 2012, which were revised from 01.09.2012 to ₹6,877/- per month. Deceased died only five days prior to the revision of minimum wages by the Punjab Government. Therefore, justice, equity and good conscience demand that average of the wages prevalent in February, 2012 and revised in September, 2012 should be taken, which comes approximately to ₹6,175/- per month, whereas learned counsel for the appellants has submitted calculations (Mark 'A') taking minimum salary of the deceased at ₹6,000/- per month, which seems to be quite reasonable.

Consequently, appellants are awarded enhanced compensation of ₹2,99,000/- over and above the amount of compensation already granted to them by the Tribunal along with interest @ 7.5% per annum from the date of institution of claim petition till realization. Respondents are directed to deposit the amount aforesaid within two months from today before the Tribunal for onward disbursement of the same to the appellants in proportion so arrived at by the Tribunal in accordance with law against proper receipt and identification. In case, above enhanced amount is not deposited by the Insurance Company, the same would entail interest @ 12% per annum after two months

Disposed of.

(Ramendra Jain)
Judge

May 28, 2018
R.S.

Whether speaking/reasoned Yes/No

Whether reportable Yes/No