

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

**FAO No.685 of 2015 (O & M)
Date of Decision:-06.2.2018**

Smt. Chando Devi @ Chanderwati and another

...Appellants

Versus

Manohar and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Amit Singla, Advocate
for the appellants.

Mr. G.S. Ahluwalia, Advocate
for respondent No.2.

AMIT RAWAL J.(Oral)

The present appeal has been preferred by the claimants being the parents of Mangal Chand @ Mangal Singh deceased, who died in a motor accident occurred on 13.4.2012, for enhancement of compensation against the Award passed by the Motor Accident Claims Tribunal, Fatehabad whereby a compensation of Rs.6,51,512/- along with interest @ 9% 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.6,51,512/-, which is on lower side as the Tribunal took the

income of the deceased as Rs.6,000/- per month. The Tribunal has wrongly applied the multiplier of '14'. Moreover, no increase was made in the salary 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 Rs.6,51,512/- is on lower side and accordingly, I take the income of the deceased as Rs.6000/- per month and provide 25% future prospects and apply a multiplier of '15' instead of '14', much less, deduction of 1/2 to assess the loss of dependency as Rs.6,75,000/-. I also provide an amount of Rs.1,27,512/- towards medical expenses as awarded by the Tribunal. However, I will provide Rs.30,000/- towards 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.8,32,512/-. 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 equally.

Appeal stands allowed.

February 06, 2018
Vijay Asija

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No