

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

FAO No. 7056 of 2015

Date of Decision:-06.02.2018

Smt. Sushma and another

...Appellants

Versus

Sh. Ajit Kumar and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE AMIT RAWAL

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

Mr. Lalit Garg, Advocate
for respondent No.3-Insurance Company.

AMIT RAWAL J.(Oral)

The present appeal has been preferred by the claimants being the widow and father of Deepak Chopra, who died in a motor accident occurred on 28.6.2013, for enhancement of compensation against the Award passed by the Tribunal, whereby a compensation of ₹11,10,800/- 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 ₹11,10,800/-, which is on lower side as the Tribunal took the

income of the deceased as ₹6000/-. Moreover, 30% increase was made in the salary towards future prospects instead of 40%, 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 ₹11,10,800/- is on lower side and accordingly, I take the income of the deceased as ₹6,000/- per month and provide 40% future prospects and apply a multiplier of '17', much less, deduction of 1/3rd to assess the loss of dependency as ₹11,42,400/-. However, I will further add to it ₹ 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 ₹12,12,400/-. 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. However, the appellants-claimants shall not be entitled to interest for a period of 59 days i.e. delay in filing the appeal. The enhanced amount shall be distributed amongst the appellants-claimants in the ratio of

2:1. The liability shall remain the same as has already been determined by the Tribunal.

February 06, 2018
Vijay Asija

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No