231

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-7061-2015
Date of decision : 01.02.2018

Bhag Singh and others

... Appellant(s)

Versus

Ravinder Singh and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Vinay Saini, Advocate for
Mr. G.S. Nagra, Advocate
for the appellant(s).

Mr. M.K. Garg, Advocate
for respondent No.3/Insurance Company.

****

AMIT RAWAL, J. (ORAL)

The appeal has been preferred by the claimants being parents and two sisters of Inderjeet Singh, aged 25 years, who unfortunately died in a motor accident occurred on 11.11.2014, for enhancement of compensation against the Award passed by the Tribunal, whereby a compensation of ₹4,00,000/- along with interest @ 6% per annum, has been awarded.

Learned counsel appearing on behalf of the appellants-claimants submits that the Tribunal has awarded the compensation to the tune of ₹4,00,000/-, which is on lower side as the deceased was working as Security Guard in the MTP Department of TDS Management Consultant Private Limited, SAS Nagar and was earning ₹35,000/- per month, but the Tribunal took the income of the deceased as ₹ 4,000/-. The Tribunal has wrongly applied the multiplier of '16', whereas it should have '17' as the age of the deceased at the time of accident was 25 years. Moreover, no increase was made in the salary towards future prospects and an amount of ₹6,000/- for funeral expenses and ₹10,000/- for love and affection, is also 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 ₹4,00,000/- is on lower side as income of the deceased as taken by the Tribunal is too meagre, much less, no increase towards future prospects has been made. Accordingly, I take the income of the deceased as ₹6,600/- per month and provided 40% increase towards future prospects and apply a multiplier of '17' instead of '16' as has been taken by the Tribunal, much less, deduction of ½ to assess the loss of dependency as ₹9,42,480/-. I will further add to it ₹30,000/- towards conventional heads i.e. 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 ₹9,72,480/-. 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 is ordered to be equally distributed among the claimants. The liability shall remain the same as has already been determined by the Tribunal.

The award passed by the Tribunal is modified to the above extent and the appeal stands allowed.

(AMIT RAWAL)
JUDGE

01.02.2018
Yogesh Sharma

✓
Whether speaking/reasoned **Yes/ No**
✓
Whether Reportable **Yes/ No**