

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

FAO No. 6058 of 2016
Date of decision : November 29, 2018

Kulwinder Kaur and another

..... Appellants

v.

Sukhjinder Singh and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. AK Spehia , Advocate
for the appellants.

Ms. Priya Deep, Advocate
for Mr. Ashwani Talwar, Advocate
for respondent No.3.

Ajay Tewari, J (Oral)

This appeal has been filed for enhancement of compensation by the claimants on account of death of Mangal Singh who died in a road vehicular accident which took place on 27.1.2015. Since a very limited issue on the quantum is involved, further detailed reference to the facts would not be necessary.

Counsel for the appellants has argued that income of ₹ 6,000/- per month is too low when it was proved that the deceased was a farmer owning 5 acres of land and, therefore, he could not be treated as unskilled labourer and at the relevant time, as per the Schedule attached to the Minimum Wages Act, wages of a skilled labourer were ₹ 8524/- say ₹ 8500/- per month. I hold so.

Counsel for respondent No.3, however, points out that as per the age of the deceased and in view of the decision of the Supreme Court in National Insurance Company Limited vs Pranay Sethi and others, 2017(4) RCR (Civil) 1009, future prospects have to be awarded as 10% instead of 15%. Counsel for the appellants is not in a position to dispute this. Consequently, I direct that 10% would be the future prospects in this case.

Counsel for respondent No.3 further points out that under the conventional heads, a sum of ₹ 1,17,800/- has been awarded, whereas it could not have been more than ₹ 70,000/-. I find this argument to be correct and, therefore, reduce a sum of ₹37,800/-.

Counsel for the appellants has further argued that the interest rate granted by the Tribunal is on lower side. I find this to be correct and direct that the interest rate would be 10% pa on the enhanced compensation from the date of application till the date of payment. The entire amount would be handed over to the widow. The remaining award shall remain unchanged. This appeal stands disposed of.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

November 29, 2018
'kk'

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No