

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

F.A.O.No.7435 of 2015

Date of Decision: January 23, 2018

Vaneet Chaudhary & another

...Appellants

Versus

Taranpreet Singh & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

**Present: Mr.Vinod Chaudhary, Advocate,
for the appellants.**

**Mr.Vivek Sharma, Advocate,
for respondent No.2.**

**Mr.Sanjeev Goel, Advocate,
for respondent Nos.3 & 4.**

AMIT RAWAL, J. (Oral)

The present appeal has been preferred by the legal representatives of Amrita Chaudhary, who died in a motor accident occurred on 22.10.2012, for enhancement of compensation against the award passed by the Tribunal, whereby a compensation of ₹38,18,000/- along with interest @ 7.5% per annum, had been awarded.

Mr.Vinod Chaudhary, learned counsel representing the appellant-claimants submits that the Tribunal has awarded the compensation to the tune of ₹38,18,000/-, which is on lower side. The deceased was working as a Principal Correspondent in Newspaper and earning ₹80,000/- per month from her contract with the Newspaper company as well as from

real estate business, but the Tribunal took the income of the deceased as ₹4,92,400/- per annum. Moreover, no increase was made in the salary towards future prospects and the amount of ₹1,00,000/- towards loss of consortium and ₹25,000/- on account of funeral expenses, is also too meager.

Mr.Vivek Sharma, learned counsel representing respondent No.2 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, appraised the paper book and of the view that there is a scope of enhancement as the compensation to the tune of ₹38,18,000/- is on lower side. Accordingly, I take the income of the deceased as ₹4,92,400/- per annum (₹41,003/- per month) as taken by the Tribunal and provide 25% future prospects and apply a multiplier of '15', much less, deduction of 1/3rd to assess the loss of dependency as ₹61,50,450/-. I will further add to it ₹70,000/- towards conventional heads i.e. 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 ₹62,20,450/-. 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 equally distributed between the appellants-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.

January 23, 2018
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No