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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-6880-2016

Date of decision : 10.01.2018

Rajbir and others

... Appellant(s)

Versus

Vinod and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Deepak Girotra, Advocate
for the appellants.

Ms. Vandana Malhora, Advocate
for respondent No.3/Insurance Company.

AMIT RAWAL, J. (ORAL)

The appeal has been preferred by the appellants-claimants being parents, sisters and minor daughter of the deceased Ashok Kumar, who died in a motor accident occurred on 12.11.2013, for enhancement of compensation against the Award passed by the Tribunal, whereby a compensation of ₹13,49,000/- along with interest @ 7.5% 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 ₹13,49,000/-, which is on lower side. The deceased was self-employed and was earning ₹10,000/- per month, but the tribunal took the income of the deceased as ₹8,000/- per month. The Tribunal has also granted ₹1,00,000/- towards loss of consortium and ₹25,000/- on account of

funeral expenses. However, no increase was made in the salary towards future prospects, 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 ₹13,49,000/- which is on lower side and accordingly, I take the income of the deceased as ₹8,000/- per month as has been taken by the Tribunal and provided 40% future prospects and apply a multiplier of '17', much less, deduction of 1/4th to assess the loss of dependency as ₹17,13,600/-. 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 ₹17,83,600/-. 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 appellant Nos.1, 2 & 5/claimants and respondent No.4 being wife of late Ashok Kumar in the ratio of 1:1:2:2. 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.

10.01.2018
Yogesh Sharma

(AMIT RAWAL)
JUDGE

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