

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No.992 of 2014(O&M)

Date of Decision: 09.05.2018

Vindo

... Appellant

Versus

Karamjit Singh & anr.

.. Respondents

CORAM:- HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Kushagra Mahajan, Advocate,
for the appellant.

Mr. Kiran Kumar, Advocate,
for respondent No.1.

Mr. Harjinder Singh, Advocate,
for respondent No.2-Insurance Company.

RAMENDRA JAIN, J.(Oral)

Claimants through this appeal have sought enhancement of compensation by modifying impugned award dated 16.04.2013 of the Motor Accident claims Tribunal, Amritsar (in short 'the Tribunal').

Both the parties are *ad idem* to the effect that this appeal has to be decided according to principles laid down in National Insurance Company Ltd. Vs. Pranay Sethi & ors., 2017(4) RCR (Civil) 1009.

Learned counsel for the Insurance Company submits that in accordance with judgment aforesaid, the compensation ought to have been awarded to the appellant-claimant by taking prevalent minimum wages at the relevant time, which were ₹3,842/- and not ₹4,000/-. Learned Tribunal has erred in taking the income of deceased at ₹4,000/- without any basis or evidence led by the appellant-claimant.

Learned counsel for the appellant has not refuted the above submission of learned counsel for the Insurance Company, but has submitted

that 40% has to be added to the aforesaid monthly income of the deceased on the basis of minimum wages towards future prospects of the deceased, which has not been added by the learned Tribunal. That apart, the appellant is also entitled to ₹30,000/- under the conventional heads of funeral expenses and loss of estate, but learned Tribunal has granted only ₹5,000/-.

Learned counsel for the Insurance Company has consented to the said increase pointed out by learned counsel for the appellant-claimant.

According to the calculations Annexure 'A', submitted by both the sides, the appellant is entitled to enhanced compensation of ₹1,73,910.4 over and above the compensation already awarded to her by the learned Tribunal vide impugned award.

In view of discussion made above, this appeal stands disposed of with direction to respondent No.2-Insurance Company to deposit the enhanced compensation of ₹1,73,910.4 before the learned Tribunal within two months from today along with upto-date interest @ 7.5% per annum from the date of institution of the claim petition till realization for onward disbursement to the appellant-claimant, in accordance with law against proper receipt and identification.

09.05.2018

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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No