

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

224

FAO-3218-2018 (O&M)
Date of Decision : 19.12.2018

Ram Saran and Another

..... Appellants

Versus

Virender Singh and Another

.... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present: Mr. G.S. Sidhu, Advocate
for the appellants.

Service upon respondent No.1 is exempted.

Ms. Bhupinder Kaur, Advocate
for Mr. Sandeep Kodan, Advocate
for respondent No.2.

AJAY TEWARI, J. (ORAL)

The appeal has been filed for enhancement of compensation and for modifying the award dated 10.08.2017 awarding compensation of Rs.3,75,000/- alongwith interest @ 7.5% to the appellants on account of death of son of the appellants who was the student in the year 2016.

The Tribunal has granted the aforesaid compensation by taking notional income @ Rs.15000/-. Counsel for the appellants has relied upon

Vijay Pal and others, passed in FAO No.2834 of 2016, decided on 18.05.2018, reported as 2018(2) Law Herald 1659 and has argued that in this case the death had occurred in 2014 and this Court had taken the notional income of Rs.50,000/- after considering the judgment of the Supreme Court in ***Kishan Gopal vs. Lala, 2013(4) RCR (Civil) 276***, keeping in view the fact that the death had taken place in that case in the year 1992. Counsel has argued that in that present case the accident has occurred after quarter a century later. Counsel for the respondent No.2 has not been able to cite any contrary judgment. In the circumstances, the notional income is taken at Rs.50,000/-.

Counsel for the respondent No.2 however points out that under the conventional heads, a sum of Rs.1,50,000/- has been awarded whereas it could have been Rs.70,000/- in view of the judgment of the Supreme Court in ***National Insurance Company Ltd. vs. Pranay Sethi and others, 2017(4) RCR (Civil)1009***. Counsel for the appellants is not in a position to deny this fact. Consequently, I reduce the compensation of Rs.80,000/- under the conventional heads.

Counsel for the appellants has further argued that the Tribunal Tribunal erred in granting only 7.5% interest and in view of the judgment of the Supreme Court in ***Magma General Insurance Company Ltd., Vs. Nanu Ram @ Chuhru Ram & ors., 2018(4) RCR (Civil) 333***, the interest should have been 12%. Counsel for the respondent No.2 is not in a position to deny this fact. Consequently, I award interest @ 12% p.a. on the enhanced amount from the date of filing of the claim petition till the date of realization. Rest of the award shall remain same.

Appeal stands disposed of.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

December 19, 2018
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No