

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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FAO-615-2017(O&M)
Date of Decision : 6.12.2018

Vishwas Balmiki and others

..... Appellants

Versus

Rajender and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Ms. Ram Bilas Gupta, Advocate
for the applicants-appellants.

AJAY TEWARI, J. (Oral)

This is an appeal for enhancement of compensation and for modifying the award dated 20.7.2016 granting compensation of Rs.9,41,000/- with interest @ 7.5 % per annum in favour of the appellants and against the respondents.

Mr. Om Pal Sharma, Advocate has entered appearance on behalf of respondent No.3.

Since very limited points have been urged detailed reference to the facts is not required.

Counsel for the claimants-appellants has argued that the Tribunal has erred in taking the contribution of Rs.6000/- p.m. whereas the Hon'ble Supreme Court in *Lata Wadhwa and others v. State of Bihar and others* reported as **2001(4) RCR(Civil) 673** (where the accident had

taken place in 1989) had evaluated the contribution of a house wife at Rs.3000/-per month. In the circumstances, the contribution cannot be less than Rs.11,000/- p.m. in the present case and even this Court also in **FAO-4966-2016** titled as **Lalit Kumar and another vs. Kulwinder Singh and others** decided on 26.10.2018 evaluated the contribution of a house wife at Rs.11,000/- per month. I find this to be indeed so. Consequently, I fix the contribution at Rs.11,000/- p.m. However, in view of the judgment passed by this Court in **FAO No.1492 of 2018, titled as Ram Mehar and others vs. Bhupinder and others, decided on 29.08.2018** there can neither be addition of future prospects since its a case of notional income nor can there be deduction.

Second argument raised by the learned counsel for the appellants is that in view of the judgment of the Supreme Court in the matter of **Sarla Verma and others v. Delhi Transport Corporation and another, 2009 ACJ 1298**, the multiplier of 18 has to be applied instead of 17. Learned counsel for the insurance company is not in a position to deny this also. Consequently, it is held that multiplier of 18 has to be applied.

Counsel for the appellants has further argued that there are three claimants and under the conventional heads the Tribunal had awarded Rs.1,25,000/- whereas per the judgment of the Supreme Court in “**Magma General Insurance Company Limited vs. Nanu Ram Alias Chuhru Ram and others**” reported as **2018 (4) RCR Civil 333** and “**National Insurance Company Limited vs. Pranay Sethi and others 2017 SCC 1270**” Rs.1,50,000/- could have been awarded (Rs.40,000/- to each of the claimants on account of consortium/filial consortium and

Rs.30,000/- for loss of estate and funeral expenses). Counsel for the insurance company is not in a position to deny this. Consequently, I award Rs.25,000/- more.

Counsel for the appellant has further pointed out that in the judgment of *Magma General Insurance Company Limited (supra)* the Supreme Court has awarded interest at the rate of 12% per annum on the entire compensation. In view of this judgment, I also award 12% interest per annum on the enhanced compensation from the date of filing of the claim petition till the date of payment.

No other prayer has been made by the learned counsel for the appellants. Rest of the Award shall remain unchanged.

Appeal is allowed in the above terms and the award is modified accordingly.

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

(AJAY TEWARI)
JUDGE

6.12. 2018

anuradha/pooja sharma

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No