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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.M-2463-CII-2019 in/and
RA-CR-8-2019 in
FAO-1406-2006
Date of Decision : 10.05.2019

Ram Tirath Sharma and others Appellants

Versus

Prem Singh and others Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Vijay Lath, Advocate
for the applicants-appellants.

None for other respondents.

Mr. Rajbir Wasu, Advocate
for respondent No.4-insurance company.

AJAY TEWARI, J. (Oral)

C.M-2463-CII-2019

For the reasons recorded, the application is allowed.

Documents Annexures A-1 to A-12 are taken on record.

RA-CR-8-2019

Prayer in this application is for reviewing the judgment dated 20.11.2018 whereby enhancement was made in the compensation on account of death of Ashwani Kumar.

Counsel for the applicants-appellants has argued that even

though the compensation was enhanced under the other heads but

inadvertently he could not point out that the Tribunal had erred in taking the income as Rs.64,000/-. He has pointed out that as per the income tax returns, the total income was of Rs.88,000/- but the standard deduction of Rs.24,000/- had been made and this was the reason because of which the Tribunal made the error.

Counsel for the respondent No.4 has argued that even if this argument has to be accepted yet this would amount to re-hearing of the case and the income cannot be taken as Rs.88,000/- but should be taken as Rs.86,200/- because Rs.1800 was the income tax which was deducted.

As regards the first argument of counsel for respondent No.4, no doubt the argument cannot be completely washed away but it also cannot be lost sight of that this is a beneficial legislation. In the circumstances, I reject the first argument. As regards the second argument of counsel for respondent No.4, it cannot be ignored. The tax of Rs.1800/- would have to be deducted from the total income and consequently, the income is taken as Rs.86,200/-.

With this modification, the review application is disposed of. Rest of the judgment shall remain the same.

Since the main application has been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

May 10, 2019
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No