

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

FAO No. 4435 of 2001 (O&M)
Date of decision: 4.2.2019

Rajbeeri Devi

...Appellant

Versus

Parma Nand and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. S.S. Rangi, Advocate,
for the appellant.

Mr. Ashwani Talwar, Advocate,
for the respondent-Insurance Co.

JAISHREE THAKUR, J.

This appeal has been filed by the mother of the deceased Gian Inder Singh for enhancement of compensation. The Tribunal had awarded compensation of ₹1,56,000/-.

Learned counsel for appellants submits that admittedly the deceased was 25 years of age and was earning ₹2000/- per month, as assessed by the Tribunal. It is submitted that increase on account of future prospects has not been afforded in view of the judgment of the Supreme Court in **National Insurance Company Limited Vs. Pranay Sethi and others 2017 (4) R.C.R. (Civil) 1009**. It is further submitted that the multiplier of 18 was required to be applied instead 13 as applied by the Tribunal. It is also contended that the Tribunal has not awarded any amount on account of loss of estate and funeral expenses.

On the other hand, learned counsel for the respondent—Insurance Company does not dispute the age of the deceased—Gian Inder Singh i.e. 25 years at the time of accident; nor disputes the income of the

deceased i.e. ₹2000/- per month as assessed by the learned Tribunal, but argues that adequate compensation has been awarded by the Tribunal.

I have heard learned counsel for the parties and find that the Tribunal, while awarding compensation, has not awarded the compensation as per the tabulation done by the Supreme Court in **National Insurance Company Limited Vs. Pranay Sethi and others 2017 (4) R.C.R. (Civil) 1009**. Therefore, compensation payable to the claimants are re-worked and tabulated as under:-

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculation</i>
(i)	Name of the deceased	Gian Inder Singh
(ii)	Date of accident	23.6.1992
(iii)	Age of the deceased	25 years
(iv)	Monthly income of the deceased	₹ 2000/-
(v)	40% of (iv) is to be added towards future prospects	(₹ 2000+₹ 800)= ₹ 2800 per month
(vi)	1/2 of (v) above deducted towards personal expenses	(₹ 2800-₹ 1400) = ₹ 1400 per month
(vii)	Compensation calculated after applying the multiplier of 18	(₹1400X12X18) = ₹ 3,02,400
(viii)	Funeral expenses	₹ 15000
(ix)	Compensation for loss of estate	₹ 15000
<i>Total</i>		₹ 3,32,400

The total compensation payable to the claimant shall be ₹ 3,32,400/- and the amount in excess over what was awarded will also attract interest @7.5% from the date of the petition till the date of payment. The award is modified and the appeal is allowed to the above extent.

4.2.2019

prem

Whether speaking/reasoned

Whether reportable

(JAISHREE THAKUR)
JUDGE

Yes

No