

202(2nd case)

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

FAO-5525-2002

Date of Decision: August 27, 2019

Jasbir Kaur and another
Versus
Bikkar Singh and others

.....Appellants
.....Respondents

CORAM: HON'BLE MS.JUSTICE NIRMALJIT KAUR

Present: Mr.Rishav Jain, Advocate
for the appellants.

Mr.Suman Jain, Advocate
for the respondent-Insurance Company.
Mr.S.S.Swaich, Advocate
for respondent No.3.

.....

NIRMALJIT KAUR, J. (ORAL)

The appeal is filed by the appellant-claimants for enhancement of the award dated 06.11.2002 vide which an amount of ₹1,82,000/- has been awarded. While praying for enhancement, learned counsel for the appellant-claimants submitted that future prospects @ 40% should have been granted and that the multiplier should have been applied 18 and not 15 taking into account that the age of the deceased was 25 years. It is further stated that funeral expenses should have been granted ₹15,000/-, whereas only ₹2,000/- has been granted.

Learned counsel for the respondent-Insurance Company is not able to dispute the legal proposition settled by the Hon'ble Apex Court in **National Insurance Company Limited vs Pranay Sethi and others,** 2017(16) SCC 680.

In view of the above, the following amount is calculated as per

the calculations provided:

Head	Amount
Income	₹1000.00
Future prospects	₹400.00 (40% of ₹1000.00)
Total Income	₹1400.00
Annual Dependency	₹1400.00 x 12 =₹16,800.00
Multiplier	18
Total dependency	₹16,800.00 x 18 =(₹3,02,400.00)
Funeral expenses	₹15,000.00
Total amount to be awarded	₹3,17,400.00
Amount already granted	₹1,82,000.00
Difference	₹1,35,400.00 (₹3,17,400.00– ₹1,82,000.00)

The total amount of ₹3,17,400.00 as per the above calculation has to be awarded to the appellant-claimants. Therefore, after deducting the amount already granted to them, the appellant-claimants are entitled to the enhanced amount of ₹1,35,400.00 (₹3,17,400.00-₹1,82,000.00). The said amount be paid to the appellant-claimants as well as respondent No.7, i.e. widow of the deceased, alongwith interest @ 6% per annum from the date of filing of the claim petition in the same terms as held by the Tribunal within two months from the date of receipt of a certified copy of this order. In case the said amount is not deposited within two months from the date of receipt of a copy of this order, the same shall be deposited alongwith interest @ 12% from the expiry of the said two months.

Disposed of accordingly.

August 27, 2019
meenuss

(NIRMALJIT KAUR)
JUDGE

1. Whether speaking/reasoned ?

Yes/No
2. Whether reportable ?

Yes/No