

202(1st case)

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

FAO-5526-2002

Date of Decision: August 27, 2019

Amar Singh and another

.....Appellants

Versus

Bikkar Singh and others

.....Respondents

CORAM: HON'BLE MS.JUSTICE NIRMALJIT KAUR

Present: Mr.Rishav Jindal, 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 ₹98,000/- 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 8 taking into account that the age of the deceased was 17 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 above in view of the legal proposition settled by the Hon'ble Apex Court in **National Insurance Company Limited vs Pranay**

Sethi and others, 2017(16) SCC 680. At the same time, learned counsel for the appellant-claimants too is not able to dispute the objection of learned counsel for the respondent-Insurance Company that the deduction should have been 50% and not 1/3rd, taking into account that the deceased was unmarried.

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

Head	Amount
Income	₹1500.00
Deduction @ 50%	₹750.00
Future prospects	₹300.00 (40% of ₹750.00)
Total Income	₹1,050.00
Annual Dependency	₹1050.00 x 12 =₹12,600.00
Multiplier	18
Total dependency	₹12,600.00 x 18 =(₹2,26,800.00)
Funeral expenses	₹15,000.00
Total amount to be awarded	₹2,41,800.00
Amount already granted	₹98,000.00
Difference	₹1,43,800.00 (₹2,41,800.00– ₹98,000.00)

The total amount of ₹2,41,800.00 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 ₹1,43,800.00 (₹2,41,800.00-Rs.98,000.00). The said amount be paid to the appellant-claimants 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
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(NIRMALJIT KAUR)
JUDGE

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |