

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

211

**IOIN-FAO-6991-2010 IN/AND
FAO-6991-2010**

Date of Decision : September 23, 2019

ANAR SINGH AND ANR

.....Appellants

VERSUS

ASHOK KUMAR AND ORS

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present : Mr. Anil Ghangas, Advocate
for the appellants.

Ms. Vandanaa Malhotra, Advocate
for respondent-Insurance Company.

Mr. Chander Shekhar, Advocate
for respondents No. 3 to 5.

NIRMALJIT KAUR, J. (Oral)

Learned counsel for the appellants states that respondent No.1 need not be served at this stage.

Accordingly, the service of respondent No.1 is exempted.

The present appeal is filed for enhancement of the amount granted by the Motor Accident Claims Tribunal, Bhiwani (for short the 'Tribunal') vide award dated 9.6.2010.

While praying for enhancement, learned counsel for the appellants submitted that the deceased in the present case was a lady, who was a qualified tailor and she has produced certificate in this effect that she was earning Rs.13,000/- per month but the Tribunal has assessed the income as only Rs.3500/- per month. Secondly, no future prospects have

been granted and the deduction too could not have been made. Lastly, the amount granted towards consortium is on the lower side. It should have been Rs.70,000/- as per the judgment rendered in the case of National Insurance Company Limited vs. Pranay Sethi and others, 2017 AIR(SC) 5157 instead of Rs.25,000/-.

Learned counsel for the respondent-Insurance Company is not able to dispute with respect to the income as admittedly the deceased was a skilled worker and even if her income had to be assessed as per the minimum wages, the same should have been given to a skilled labourer. Thus, at that point of time in the year 2009, the minimum wages of a skilled labourer were Rs.4300/- as per the notification. There is also no dispute that no deduction could have been applied in the present circumstance as no future prospects were granted. It is also not disputed that the appellants are entitled to Rs.70,000/- instead of Rs.25,000/- under the conventional heads in view of the judgment rendered by the Hon'ble Supreme Court mentioned above.

In view of the above, the appellants-claimants are entitled to the enhanced amount as per the calculation provided:-

Sr. No.	Head	Amount assessed
1	Minimum wage in the year 2009	Rs.4300/- p.m. x 12 = Rs.51600/-
2	Multiplier	51600 x 13 = Rs.6,70,800/-
3	Conventional Heads	Rs.70,000/-
4	Total	Rs.7,40,800/-
5	Compensation awarded by the Tribunal	Rs.4,34,500/-
6	Differences	Rs.3,06,300/-

Accordingly, the present appeal is allowed to the said extent.
The enhanced amount of Rs.3,06,300/- be deposited within two months from the receipt of certified copy of this order alongwith 6% interest from the date of the claim petition till its realization.

However, in case the same is not deposited within two months, the same shall thereafter be deposited alongwith interest @ 12% till payment after the expiry of two months.

September 23, 2019
ajay-1

(NIRMALJIT KAUR)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No