

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

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FAO-4774-2012

Date of Decision : September 04, 2019

JOGENDER & ANR

.....Appellants

VERSUS

MOHENDER SINGH & ANR

.....Respondents

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FAO-5134-2012(O&M)

NATIONAL INSURANCE COMPANY LTD.

.....Appellant

VERSUS

JOGENDER & ANR

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present : Mr. Pankaj Mehta, Advocate
for the appellants in FAO-4774-2012 and
for the respondents in FAO-5134-2012.

Mr. Ravinder Arora, Advocate
for the appellant in FAO-5134-2012 and for
respondent-Insurance Company in FAO-4774-2012.

NIRMALJIT KAUR, J. (Oral)

Both the above mentioned appeals shall stand decided by this
common order as both the appeals arise out of the same award.

The appeal i.e. FAO-4774-2012 is filed by the claimants for
enhancement of the compensation granted vide award dated 8.5.2012.

The appeal i.e. FAO-5134-2012 is filed by the Insurance Company
seeking reduction of the compensation so awarded by the same award.

Learned counsel for the appellant in FAO-4774-2012 while seeking enhancement of the compensation submitted that the multiplier of 11 has been wrongly applied. The age of the deceased was 22 years at the time of the accident and, therefore, as per schedule the multiplier of 17 should have been applied. Learned counsel for the respondent-Insurance Company does not dispute the legal position.

At the same time, in the appeal i.e. FAO-5134-2012, learned counsel for the appellant-Insurance Company in the said case submitted that Rs.30,000/- has been wrongly awarded under the head of funeral expenses and loss of estate whereas it should have been Rs.9,500/- as per the second schedule of the Motor Vehicles Act. Learned counsel for the claimants in FAO-5134-2012 is also not in a position to dispute the said fact.

In view of the above, both the appeals shall stand disposed of by modifying the award as per the following calculation:-

Sr. No.	Head	Amount assessed
1	Income	Rs.3300/- p.m. x 12 = Rs.39,600/-
2	Deduction 1/3 rd	3300 x 1/3 = Rs.1100/- 3300-1100 = 2200
3	Multiplier	2200 x 12 x 17 = Rs.4,48,800/-
4	Conventional heads	9500/-
5	Total	Rs.4,58,300/-
6	Compensation awarded by the Tribunal	Rs.4,26,000/-
7	Differences	Rs.32,300/-

The enhanced amount of Rs.32,300/- 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 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 04, 2019
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(NIRMALJIT KAUR)
JUDGE

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