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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-1799-2013
Date of Decision: September 12, 2019

Amarpal alias Amarjit Kaur and others
.....Appellants

Versus

Balwan Singh and another
......Respondents

CORAM: HON'BLE MS.JUSTICE NIRMALJIT KAUR

Present: Mr.Dheeraj Narula, Advocate
for the appellants.

Mr.D.K.Mittal, DAG,Haryana.

....

NIRMALJIT KAUR, J. (ORAL)

The present appeal is filed for enhancement of the Award dated 12.02.2013 vide which only an amount of ₹7,50,000/- was granted.

While praying for enhancement, learned counsel for the appellants submitted that the deceased in the present case was running a school but only ₹6000/- has been assessed as his income on the ground that he has not been able to prove that he was running a school. Secondly, the deduction should have been 1/4th instead of 1/3rd taking into account that there are six claimants. Similarly, the future prospects as per the judgment of Hon'ble Apex Court in **National Insurance Company Limited vs Pranay Sethi and others**, 2017(16) SCC 680 should have also been calculated and multiplier should also be increased as the deceased was below 40 years. The amount towards the consortium should be in accordance with **Pranay Sethi and others** (supra) and **Megma General Insurance Co.Ltd.**

vs Nanu Ram alias Chuhru Ram and others 2018(4) RCR (Civil) 333.

Learned counsel for the respondents-State submitted that the appellants have not been able to prove that the deceased was running a school. No income tax return was placed on record and even account books were also not produced. However, he has not been able to dispute that the appellants are otherwise entitled to the deduction @1/4th instead of 1/3rd as well as future prospects and the amount granted under the head 'Consortium' as per the settled proposition of law.

Heard learned counsel for the parties.

As per the documents placed on record, the computation of income of the school has been placed on record showing that his annual gross income was ₹1,06,985.00. Income and expenditure of the school is also on record. There is nothing to doubt the said documents as they are admittedly issued prior to the date of the accident. Taking into account the document with respect to the assessment year 2009-10, which was the computation of the income, the monthly income of the deceased comes to ₹8,915.00. Taking the same as ₹8,000/- and after applying deduction of 1/4th instead of 1/3rd, in view of the number of claimants, the monthly dependency of the claimants comes to ₹6,000/- (after deducting 1/4th from ₹8,000/-). Appellants are also entitled to 40% enhancement as future prospects. Similarly, this Court deems it appropriate to enhance the amount towards consortium to ₹70,000/- instead of ₹30,000/- in view of the judgment of 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 hereunder:

Head	Amount
Monthly Income	₹8000.00
After deducting 1/4th as personal expenses	₹6000.00 (₹8000.00- ₹2,000.00)
Future prospects @ 40%	₹2,400.00
Monthly dependency	₹8,400.00
Annual dependency	₹1,00,800.00 (₹8,400.00 x 12)
Multiplier	15
Loss of dependency	₹15,12,000.00
Consortium	₹70,000.00
Total compensation	₹15,82,000.00
Compensation awarded by Tribunal	₹7,50,000
Difference in compensation	₹8,32,000.00 (₹15,82,000.00 -₹7,50,000)

The enhanced amount of ₹8,32,000.00, as per the above calculation, 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.

September 12, 2019 **(NIRMALJIT KAUR)**
meenuss **JUDGE**

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