

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

**210**

**FAO-1089-2015(O&M)**  
Date of Decision : August 30, 2019

**AJIT SINGH AND ANR**

.....Appellants

***VERSUS***

**NISHAN SINGH AND ORS**

.....Respondents

**CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR**

Present : Mr. Arun Gupta, Advocate for  
Mr. Rakesh Gupta, Advocate  
for the appellants.

Mr. Amit Gupta, Advocate  
for respondent No.2.

Mr. Radhey Shyam Sharma, Advocate  
for respondent No.3.

**NIRMALJIT KAUR, J. (Oral)**

**CM-2893-CII-2015**

For the reasons mentioned in the application, the same is  
allowed and the delay of 228 days in re-filing of the appeal is condoned.

**CM-2894-CII-2015**

For the reasons mentioned in the application, the same is  
allowed and the delay of 4 days in filing of the appeal is condoned.

**Main case**

While praying for enhancement of the amount granted vide  
award dated 31.10.2013, learned counsel for the appellants submitted that

the income of the deceased was taken on the lower side whereas it should have been taken as Rs.9,000/- per month in view of the judgment rendered in the case of **United India Insurance Co. Ltd. Vs. Sube Singh and others** and upheld by the Hon'ble Apex Court being the housewife. Similarly, deduction of 1/3<sup>rd</sup> was wrongly applied.

Learned counsel for the respondent-Insurance Company has not been able to dispute the well settled proposition of law in view of the judgment rendered in the case of **National Insurance Company Limited vs. Pranay Sethi and others**, 2017 AIR(SC) 5157 and the judgment as mentioned above.

Learned counsel for the appellants has very fairly agreed that the amount under the conventional heads should have been maximum of Rs.70,000/- instead of Rs.1,10,000/-. Accordingly, the same is reduced to Rs.70,000/-.

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

| Sr. No. | Head                                 | Amount assessed                     |
|---------|--------------------------------------|-------------------------------------|
| 1       | Income                               | Rs.9000/- p.m. x 12 = Rs.1,08,000/- |
| 2       | Multiplier                           | 1,08,000 x 11 = Rs.11,88,800/-      |
| 3       | Conventional Heads                   | Rs.70,000/-                         |
| 4       | Total                                | Rs.12,58,000/-/-                    |
| 5       | Compensation awarded by the Tribunal | Rs.3,74,000/-                       |
| 6       | Differences                          | Rs.8,84,000/-                       |

The enhanced amount of Rs.8,84,000/- 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.

August 30, 2019  
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( NIRMALJIT KAUR )  
JUDGE

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