IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

221 **FAO-1368-2015**

Date of Decision : September 16, 2019

VIJAY KUMAR & ORS

.....Appellants

VERSUS

SHIV KUMAR KAKKAR & ORS

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present : Mr. Vikram Bali, Advocate
for the appellants.

Mr. Ravinder Arora, Advocate
for respondent No.3-Insurance Company.

NIRMALJIT KAUR, J. (Oral)

The present appeal is filed for enhancement of the amount granted by the Motor Accident Claims Tribunal, Panchkula (for short the 'Tribunal') vide award dated 2.8.2014 vide which only Rs.4,85,000/- was awarded.

While praying for enhancement, learned counsel for the appellants submitted that the notional income has been taken on the lower side whereas it should have been Rs.9,000/- per month. Secondly, in case the notional income is taken into consideration then no deduction can be made. Further, the multiplier of 14 should have been applied instead of 10 taking into account that the age of the deceased at the time of death was 44 years.

Learned counsel for the respondent-Insurance Company while opposing the enhancement as per the notional income submitted that no evidence has been led by the appellants to show that it should have been more than Rs.4500/- at that point of time. Further, the amount granted towards the consortium is also on the higher side.

Learned counsel for the parties were heard.

Taking into account that the appellants have not been able to lead any evidence qua the income, this Court finds no reason to disagree with the income assessed as Rs.4500/-. However, there is merit in the argument with respect to the multiplier.

Learned counsel for the respondent-Insurance Company is not able to dispute that the appellants are entitled to the multiplier of 14 instead of 10 taking into account the age of the deceased at the time of accident and that no deduction can be made in the case of a housewife as per the well settled proposition of law.

In view of the above, the award is modified by applying the multiplier of 14 instead of 10 and the order of the Tribunal is set-aside to the extent vide which the deduction is applied.

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

Sr. No.	Head	Amount assessed
1	Income	Rs.4500/- p.m. x 12 = Rs.54,000/-
2	Multiplier	54,000 x 14 = Rs.7,56,000/-
3	Conventional heads	Rs.1,25,000/-
4	Compensation awarded by the Tribunal	Rs.4,85,000/-
5	Total	Rs.8,81,000
6	Differences	Rs.3,96,000/-

Accordingly, the present appeal is modified to the said extent. The enhanced amount of Rs.3,96,000/- 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 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.

(NIRMALJIT KAUR)
JUDGE

September 16, 2019
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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No