205(1) IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.2511 of 2014
Date of Decision: 19.12.2019

Surinder Singh and others

.....Appellants

Versus

Satbir Singh and others

........Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. Rajesh Bansal, Advocate
for the appellants.

Mr. Sanjeev Kodan, Advocate
for the respondent/Insurance Company.

NIRMALJIT KAUR, J. (ORAL)

The present appeal has been filed for enhancement of compensation granted vide award dated 08.11.2013, passed by the Motor Accident Claims Tribunal, Panipat (for short, the Tribunal).

While praying for enhancement, learned counsel for the appellants submitted that the income has been assessed on the lower side. It should have been ₹9,000/- per month instead of ₹3000/- per month in view of the judgments rendered by this Court in the cases of *Ajit Singh and another Vs. Nishan Singh and other, FAO-1089-2015, decided on 30.08.2019*, *Meham Singh and others Vs. Shamsher Singh and others, FAO-6829-2016, decided on 22.11.2018* and *United India Insurance Co. Ltd. Vs. Sube Singh and others, FAO-218-2014, decided on 15.01.2014*.

Learned counsel for the respondent/Insurance Company while vehemently opposing the same, submitted that the minimum wages at that point of time was ₹4,348/- per month and in the case of house-wife, it should be notional income, which is even less. Secondly, the judgment rendered in the case of *Sube Singh* (supra) related to the accident in the year 2012, whereas, in the present case, the accident is of the year 2011. Reliance was placed on the judgment rendered in the case of *Lata Wadhwa and others Vs. State of Bihar and others, reported as 2001 (4) RCR (Civil) 673*.

Heard.

The argument raised by learned counsel for the respondent/Insurance Company cannot be sustained. It is not disputed that the judgment rendered in the case of *Sube Singh* (supra), the Court took into consideration the judgment rendered in the case of *Lata Wadhwa* (supra) and observed that the accident in the case of *Lata Wadhwa* (supra) was of the year 1981 and therefore, it was held that the income so assessed at that point of time cannot be equated with the value of money in the year 2011. There is hardly any difference between the year 2011 and 2012. Moreover, the judgment rendered in the case of *Sube Singh* (supra) was upheld by the Hon'ble Apex Court.

Accordingly, the income is assessed as ₹9,000/- per month and with respect to the enhancement of compensation under the conventional heads, ₹70,000/- should have been granted instead of ₹30,000/- and no deduction could have been applied in the case of house-wife as per the well proposition of law rendered by the Hon'ble Apex Court in the case of *National Insurance Company Ltd. versus Pranay Sethi and others, (2017) 16 SCC 680.*

Accordingly, the compensation is enhanced to ₹70,000/- instead of ₹30,000/- under the conventional heads and the award to the extent, vide which, the deduction has been applied is set aside.

In view of the above, the enhanced amount of ₹13,00,000/- be paid to the appellants as per the calculation provided under:-

Sr. No.	Head	Amount assessed
1	Income	₹9000/- per month
2	Multiplier	14 9000 x 12 x 14 = ₹15,12,000/-
3	Conventional Heads.	₹70,000/-
4	Total	₹15,82,000/-
5	Compensation awarded by the Tribunal	₹2,82,000/-
6	Differences	₹1582000 – 282000 = ₹13,00,000/-

Thus, the enhanced compensation of ₹13,00,000/- be paid to the appellants within two months from the receipt of certified copy of this order alongwith 6% interest per annum from the date of filing of claim petition till its realization.

In case the said amount is not paid within two months, the same shall be paid thereafter alongwith 12% interest from the expiry of the period of two months.

The appeal is disposed of accordingly.

(NIRMALJIT KAUR)
JUDGE

19.12.2019
sandeep

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No