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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-2769-2015

Date of Decision: September 20, 2019

Santosh and another

.....Appellants

Versus

Satbir and others

.....Respondents

CORAM: HON'BLE MS.JUSTICE NIRMALJIT KAUR

Present: Mr.Narender Kaajla, Advocate
for the appellants.

Mr.J.S.Chatrath, Advocate
for respondent No.1.

Mr.S.P.Arora, Advocate with
Ms.Neha Sharma, Advocate
for respondent No.4.

.....

NIRMALJIT KAUR, J. (ORAL)

Learned counsel for the appellants while praying for enhancement of the compensation, submitted that income of the deceased was assessed as ₹4,000/-, which is on the lower side, whereas as per the notification, the minimum wages at that point of time was ₹5,400/-. Enhancement is also prayed under the head consortium. It is also contended that as per judgment of Hon'ble Apex Court in the case of **Megma General Insurance Co.Ltd. vs Nanu Ram alias Chuhru Ram and others** 2018(4) RCR (Civil) 333, ₹40,000/- has to be granted to each of the claimant.

Learned counsel for the respondent while disputing the claim is not in a position to dispute that minimum wages at that point of time was ₹5,400/-, the deceased being 21 years of age. However, with respect to the

claim towards consortium, in the judgment rendered by the Hon'ble Apex Court in National Insurance Company Limited vs Pranay Sethi and others, 2017(16) SCC 680, ₹70,000/- is the maximum award under this head. Accordingly, the same is enhanced to ₹70,000/- whereas only ₹25,000/- has been given.

At this stage, learned counsel for the respondent -Insurance Company has pointed out that the amount towards future prospects should have been 40% and not 50%, as awarded. Learned counsel for the appellants is not in a position to dispute the same in view of the settled proposition of law.

In view of the above, the enhanced amount would be paid to the appellants as per following calculation provided as under:

Head	Amount
Monthly Income	₹5400.00
Future prospects @ 40%	₹2160.00
Total Monthly income	₹7560.00
50% deduction as personal expenses	₹3780.00
Monthly dependency	₹3780.00
Annual Dependency	₹45,360.00
Multiplier	18
Loss of dependency	₹8,16,480.00
Loss of consortium	₹70,000.00
Total compensation	₹8,86,480.00
Compensation awarded by Tribunal	₹6,73,000.00
Difference in compensation	₹2,13,480.00

The enhanced amount of ₹2,13,480.00, 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

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 20, 2019
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(NIRMALJIT KAUR)
JUDGE

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