

FAO No.2909 of 2015

Date of Decision: 14.11.2019

Labh Kaur @ Lal Kaur and others

.....Appellants

Versus

Kuldeep Singh and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Ms. Priya Deep, Advocate for
Mr. Ashwani Arora, Advocate
for the appellants.

Mr. Subhash Goyal, Advocate
for respondent No.3.

NIRMALJIT KAUR, J. (ORAL)

The present appeal has been filed for enhancement of compensation granted vide award dated 15.01.2015, passed by the Motor Accident Claims Tribunal, Chandigarh (for short, the Tribunal).

While praying for enhancement, learned counsel for the appellants submitted that at that point of time, the minimum wages for an unskilled labourer were Rs.5,695/- per month, whereas, only Rs.5,000/- per month have been taken into consideration. Further, the age of the deceased was 21 years, whereas, the multiplier of 16 has been applied by the Tribunal instead of 18.

Learned counsel for respondent No.3-insurance company is not able to dispute the well settled proposition of law rendered by Hon'ble the Apex Court in case Sarla Verma and others Versus Delhi Transport Corporation and others, 2009 (3) RCR (Civil) 77.

Accordingly, the enhanced amount of ₹2,02,536/- be paid to the

appellants as per the calculation provided under:-

Sr. No.	Head	Amount assessed
1	Income	₹5,695/- per month
2	Deduction	1/2 nd 1/2 nd of 5695 = ₹2847.50/- 5695 – 2847.50 = ₹2847.50/- rounded off ₹2847/-
3	Future Prospects	50% (2847 x 50% = ₹1423.50) ₹2847 + 1423.50 = ₹4270.50/- rounded off ₹4271/-
4	Multiplier	18 (4271 x 18 x 12 = 9,22,536/-)
5	Loss of love and affection	₹50,000/-
6	Funeral expenses	₹25,000/-
7	Total	₹9,97,536/-
8	Compensation awarded by the Tribunal	₹7,95,000/-
9	Differences	₹997536 – 795000 = ₹2,02,536/-

Thus, the enhanced compensation of ₹2,02,536/- be paid to 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

14.11.2019
sandeep

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