

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

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FAO-4959-2014

Date of Decision : December 20, 2019

KISHNI DEVI AND ORS

.....Appellants

VERSUS

BALBIR SINGH AND ORS

.....Respondents

2

FAO-5355-2014

SMT. SAVITRI DEVI

.....Appellant

VERSUS

BALBIR SINGH AND ORS

.....Respondents

3

FAO-8293-2014(O&M)

DAYANAND

.....Appellant

VERSUS

BALBIR SINGH AND ORS

.....Respondents

4

FAO-8294-2014

MENKA

.....Appellant

VERSUS

BALBIR SINGH AND ORS

.....Respondents

5

FAO-8500-2014

SMT. LAXMI DEVI

.....Appellant

VERSUS

BALBIR SINGH AND ORS

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. Vivek K. Sharma, Advocate for
Mr. Ashwani Gaur, Advocate
for the appellants in FAOs 5355, 8293, 8294 and 8500-2014.

Mr. Navneet Singh, Advocate
for the appellants in FAO-4959-2014.

Mr. Suvir Dewan, Advocate
for respondent No.3-Insurance Company.

NIRMALJIT KAUR, J. (Oral)

All the aforementioned appeals shall stand decided by this
common order.

CM-22458-CII-2014 in
FAO-8293-2014

For the reasons mentioned in the application, the application
is allowed and the delay of 9 days in re-filing of the appeal is condoned.

FAO-4959-2014

In the present case, the appellants are seeking enhancement
under the head of future prospects. It is stated that nothing has been
granted whereas it should have been 25% and Rs.70,000/- instead of
Rs.20,000/- should have been granted under the conventional heads in
view of the judgment rendered by the Hon'ble Apex Court in the case of

National Insurance Company Limited vs. Pranay Sethi and others,
2017 AIR(SC) 5157.

Learned counsel for the respondent-Insurance Company does not dispute the said legal position.

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

Sr. No.	Head	Amount assessed
1	Income	Rs.4,500 p.m.
2	Future prospects @ 25%	4500 @ 25% = 1125 4500 + 1125 = 5625
3	Deduction @ 1/3 rd	5625 X 1/3 rd = 1875 5625-1875 = 3750
4	Multiplier	3750 x 12 x 14 = Rs.6,30,000/-
5	Conventional Heads	Rs.70,000/-
6	Total	Rs.7,00,000/-
7	Compensation awarded by the Tribunal	Rs.5,24,000/-
8	Differences	Rs.1,76,000/-

Accordingly, the appeal is allowed and the enhanced amount of Rs.1,76,000/- be deposited within four weeks from the receipt of certified copy of this order.

However, in case the aforesaid amount is not deposited within four weeks, the same shall thereafter be deposited alongwith interest @ 12% till payment after the expiry of four weeks.

FAO-8500-2014

Admittedly, the appellant has since died.

Accordingly, the present appeal is dismissed.

FAOs-5355, 8293 and 8294-2014

The appellants-claimants have filed the above mentioned appeals praying for enhancement of the compensation on the ground that the compensation is inadequate. Only Rs.10,000/- has been granted towards pain and suffering. Therefore, the same should atleast be Rs.1 lac.

Taking into account the facts and circumstances of the case, this Court finds that it would be appropriate to enhance the amount under the head of pain and suffering by another amount of Rs.25,000/- as lump-sum including interest.

Accordingly, the appeals are allowed and the enhanced lump-sum amount of Rs.25,000/- each in FAOs-5355, 8293 and 8294-2014 be deposited within four weeks from the receipt of certified copy of this order.

However, in case the aforesaid amount is not deposited within four weeks, the same shall thereafter be deposited alongwith interest @ 12% till payment after the expiry of four weeks.

December 20, 2019
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(NIRMALJIT KAUR)
JUDGE

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