

**CMs-25859-60-CII-2013 in/and
FAO-6305-2013**

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

**CMs-25859-60-CII-2013 in/and
FAO-6305-2013
Date of Decision: October 30, 2019**

Deepak and others

.....Appellants

Versus

Gauri Shanker Chaudhary and others

.....Respondents

CORAM: HON'BLE MS.JUSTICE NIRMALJIT KAUR

Present: Mr.Ram Pal Verma, Advocate
for the appellants.

Mr.A.S.Sidhu, Advocate
for respondent No.3.

.....

NIRMALJIT KAUR, J. (ORAL)

CM-25859-CII-2013

For the reasons mentioned in the application, the same is allowed and delay of 169 days in re-filing the appeal is condoned.

CM-25860-CII-2013

For the reasons mentioned in the application, the same is allowed and delay of 18 days in filing the appeal is condoned.

FAO-6305-2013

Learned counsel for the appellants while praying for enhancement of the amount towards compensation granted vide Award dated 18.12.2012 submitted that the income assessed of the deceased is on the lower side. She was a house-wife and as per the settled law, at least ₹9,000/- should have been taken into consideration. Similarly, no deduction

could have been made and the amount towards conventional head should be ₹70,000.00 instead of ₹15,000.00.

Learned counsel for the respondent while disputing the claim towards the income submitted that at that point of time, the minimum wages was ₹4,500.00, hence the notional income of the house-wife cannot be more than ₹4,500.00, but does not dispute that the deduction was wrongly made and that the appellant-claimants are entitled to ₹70,000.00 under Conventional head instead of ₹15,000.00 already having been granted, as per the judgment rendered by Hon'ble Apex Court in **National Insurance Company Limited vs Pranay Sethi and others**, 2017(16) SCC 680.

In view of the above, the income is assessed as ₹4,500.00 instead of ₹3,000.00. The Award to the extent vide which deduction has been made is set aside and the amount under the Conventional Head is increased to ₹70,000.00 from ₹15,000.00.

The Award is accordingly modified as per the calculations provided as under:-

Head	Amount
Monthly Income	₹4500.00
Annual Dependency	₹54,000.00 (₹4500.00 x 12)
Multiplier	11
Total dependency	₹5,94,000.00
Conventional Head	₹70,000.00
Total compensation	₹6,64,000.00
Compensation awarded by Tribunal	₹2,13,000
Difference in compensation	₹4,51,000.00
Enhancement of compensation	₹4,51,000.00

The enhanced amount of ₹4,51,000.00, 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 by the Tribunal within two months from the date of receipt of a certified 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.

October 30, 2019
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**(NIRMALJIT KAUR)
JUDGE**

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