

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

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**Date of decision: 17.01.2019**

**FAO-5410-2015 (O&M)**

URMILA AND ORS.

... Appellants

Versus

SATINDER KUMAR AND ORS

... Respondents

**FAO-6644-2015 (O&M)**

FARAJANA

... Appellant

Versus

SATINDER KUMAR AND ORS

... Respondents

**CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL**

Present : None for the appellants.  
Mr. Pradeep Goyal, Advocate for the insurance company.

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**REKHA MITTAL, J. (Oral)**

This order will dispose of FAO Nos.5410 and 6644 of 2015 as these have emerged out of the same accident that took place on the intervening night of 07/08.12.2013 wherein Sahib Singh and Waseem Khan sustained injuries that proved fatal.

FAO No.5410 of 2015 has been filed by Urmila and others seeking enhancement of compensation qua death of Sahib Singh whereas the other appeal has been preferred by Farajana in respect of death of Waseem Khan.

**FAO No.5410 of 2015**

The Tribunal has awarded compensation of Rs.12,71,600/-, detailed hereunder:-

|                                            |                   |
|--------------------------------------------|-------------------|
| 1. Monthly income of the deceased          | Rs.7000/-         |
| 2. Addition in income for future prospects | 30%               |
| 3. Multiplier                              | 14                |
| 4. Deduction for personal expenses         | 1/4 <sup>th</sup> |
| 5. Loss of dependency                      | Rs.11,46,600/-    |
| 6. Expenses on funeral                     | Rs.25,000/-       |
| 7. Loss of consortium                      | Rs.1,00,000/-     |

The Tribunal, in para 15 of the award, has noticed that the claimants examined Gopal Singh Kalra, proprietor M/s Palis Caterer and proved that deceased was getting salary of Rs.7000/- per month and

accordingly assessed his income @ Rs.7000/- per month. The Tribunal has allowed addition in income for future prospects @ 30% as against 25% admissible in the light of judgment of Hon'ble the Supreme Court **National Insurance Company Limited Vs. Pranay Sethi and Ors., 2017 SCC 1270**. Even compensation allowed under conventional heads is more than what can be allowed in the light of judgments of Hon'ble the Supreme Court **Pranay Sethi and others's case (supra)** and **Sebastiani Lakra and others vs. National Insurance Company Limited and another AIR 2018 SC 5034**. Multiplier and deduction for personal expenses applied by the Tribunal are correct, therefore, there is no scope for allowing compensation more than what has been assessed by the Tribunal.

For the foregoing reasons, finding no merit, the appeal fails and is accordingly dismissed, leaving the parties to bear their own costs.

**FAO No.6644 of 2015**

The Tribunal has awarded compensation of Rs.11,59,000/-, detailed hereunder:-

|                                            |                |
|--------------------------------------------|----------------|
| 1. Monthly income of the deceased          | Rs.7000/-      |
| 2. Addition in income for future prospects | 50%            |
| 3. Multiplier                              | 18             |
| 4. Deduction for personal expenses         | 50%            |
| 5. Loss of dependency                      | Rs.11,34,000/- |
| 6. Expenses on funeral                     | Rs.25,000/-    |

When the case is examined in the light of notification issued by the State of Punjab fixing minimum wage at the relevant time and judgment of Hon'ble the Supreme Court in **Pranay Sethi and others's case (supra)**, there is no scope for allowing additional compensation.

For the foregoing reasons, the appeal fails and is accordingly dismissed, leaving the parties to bear their own costs.

17.01.2019

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**(REKHA MITTAL)**  
**JUDGE**

Whether speaking/reasoned:  
Whether reportable:

Yes / No  
Yes / No