

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

FAO 5960 of 2015 (O&M)
Date of decision: 4.2.2019

Bachhu Singh and another

...Appellants

Versus

Tarun Kumar Pathak and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Rishav Jain, Advocate,
for the appellant.

Mr. Sandeep Kotla, Advocate,
for the respondent-Insurance Co.

JAISHREE THAKUR, J.

This appeal has been filed by the parents of the deceased Karamvir for enhancement of compensation. The Tribunal had awarded compensation of ₹7,35,680/-.

Learned counsel for appellants submits that admittedly the deceased was 20 years of age and was earning ₹5000/- per month, as assessed by the Tribunal. It is submitted that increase on account of future prospects has not been afforded in view of the judgment of the Supreme Court in **National Insurance Company Limited Vs. Pranay Sethi and others 2017 (4) R.C.R. (Civil) 1009**. It is further submitted that the multiplier of 18 was required to be applied instead 13 as applied by the Tribunal. It is also contended that the Tribunal has not awarded adequate

interest on the amount of compensation awarded.

On the other hand, learned counsel for the respondent—Insurance Company does not deny the age of the deceased—Karamvir i.e. 20 years at the time of accident, nor disputes the income of the deceased i.e. ₹5000/- per month as assessed by the learned Tribunal, but argues that adequate compensation has been awarded by the Tribunal.

I have heard learned counsel for the parties and find that the Tribunal, while awarding compensation, has not awarded the compensation as per the tabulation done by the Supreme Court in **National Insurance Company Limited Vs. Pranay Sethi and others 2017 (4) R.C.R. (Civil) 1009**. Therefore, compensation payable to the claimants are re-worked and tabulated as under:-

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculation</i>
(i)	Name of the deceased	Karamvir
(ii)	Date of accident	8.8.2012
(iii)	Age of the deceased	20 years
(iv)	Monthly income of the deceased	₹ 5000/-
(v)	40% of (iv) is to be added towards future prospects	(₹ 5000+₹ 2000)= ₹ 7000 per month
(vi)	1/2 of (v) above deducted towards personal expenses	(₹ 7000-₹ 3500) = ₹ 3500 per month
(vii)	Compensation calculated after applying the multiplier of 18	(₹3500X12X18) = ₹ 7,56,000
(viii)	Funeral expenses	₹ 15000
(ix)	Compensation for loss of estate	₹ 15000
(x)	Medical Bills	₹ 39576
<i>Total</i>		₹ 8,25,576

The total compensation payable to the claimants shall be ₹ 8,25,576/- and the amount in excess over what was awarded will also attract interest @7.5% from the date of the petition till the date of payment. The claimants will share the amount of compensation as per the award of the Tribunal. The award is modified and the appeal is allowed to the above extent.

4.2.2019
prem

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No