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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-566-2016

Date of Decision: September 24, 2019

Shingara Ram and another

.....Appellants

Versus

Jagmohan Singh and another

.....Respondents

CORAM: HON'BLE MS.JUSTICE NIRMALJIT KAUR

Present: Mr.Vijay Rana, Advocate
for the appellants.

.....

NIRMALJIT KAUR, J. (ORAL)

Learned counsel for the appellants while praying for enhancement of the Award submitted that at the time of the accident, i.e. on 27.10.2013, the notification dated 01.03.2013 of the State of Punjab was applicable, wherein, minimum wages of an unskilled labourer was ₹5695/-, whereas only ₹5100/- has been granted and secondly the future prospects should have been @40% because the age of the deceased was 24 years at that time and the consortium should have been ₹70,000/- instead of ₹40,000/- in view of the judgment of Hon'ble Apex Court in **National Insurance Company Limited vs Pranay Sethi and others**, 2017(16) SCC 680.

Heard.

No-one has put in appearance on behalf of the respondents in spite of service. Taking into account that the income has been assessed as ₹5,100/- instead of ₹5,695/- and the difference appears only ₹600/-, this Court is not inclined to interfere in the income, so assessed. However, there is merit in the argument that the appellants should have been granted future

prospects @ 40% and the consortium should have been ₹70,000/- instead of ₹40,000/- as per the well settled proposition of law in the case of National Insurance Company Limited vs Pranay Sethi and others, (supra).

In view of the above, the following amount is calculated as per the calculations provided hereunder:

Head	Amount
Monthly Income	₹5100.00
Future prospects @ 40%	₹2040.00
Total Monthly income	₹7140.00
50% deduction as personal expenses	₹3570.00
Monthly dependency	₹3570.00
Annual Dependency	₹42840.00
Multiplier	18
Loss of dependency	₹7,71,120.00
Loss of consortium	₹70,000.00
Total	₹8,41,120.00
Compensation awarded by Tribunal	₹5,90,800.00
Difference in compensation	₹2,50,320.00

The enhanced amount of ₹2,50,320.00, 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.

September 24, 2019

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(NIRMALJIT KAUR)
JUDGE