212

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-6686-2015
Date of Decision: November 07, 2019

Surjit Kaur

.....Appellant

Versus

Vishavkarma and others

......Respondents

CORAM: HON'BLE MS.JUSTICE NIRMALJIT KAUR

Present: Mr.P.S.Dhaliwal, Advocate
for the appellant.

Mr.Rajnish Malhotra, Advocate with
Ms.Manjit Kaur Sehgal, Advocate
for the respondent-Insurance Company.

....

NIRMALJIT KAUR, J. (ORAL)

Learned counsel for the appellant while praying for enhancement of compensation granted vide Award dated 29.05.2014 submitted that the deceased was earning ₹20,000/- per month from delivery of tiffins, therefore, income assessed @ ₹6000/- per month is on the lower side. Secondly, no amount has been awarded towards future prospects and the multiplier too should have been 18 instead of 17 taking into account that age of the deceased was 24 years. It is further contended that only ₹20,000/- has been granted under the conventional heads, whereas ₹70,000/- should have been granted.

Learned counsel for the respondent-Insurance Company while opposing the claim of the appellant submitted that no evidence of income has been placed on record, therefore, the income assessed is fair and proper.

However, it is not disputed that the claimant is otherwise entitled to future prospects @ 40% and she should be granted ₹70,000/- under the Conventional Head instead of ₹20,000/-. It is also not disputed that multiplier of 18 is to be applied 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.

A perusal of the impugned Award shows that no proof was led towards the income of the appellant, therefore, no interference is called for in the income already assessed. However, in view of the admitted position, 40% are granted towards future prospects, multiplier of 18 has to be applied instead of 17 and ₹70,000/- are awarded under the Conventional head instead of ₹20,000/-

In view of the above, the Award is modified as per the calculations provided hereunder:

Head	Amount
Monthly Income	₹6000.00
Future prospects @ 40%	₹2400.00
Total Monthly income	₹8400.00
50% deduction as personal expenses	₹4200.00
Monthly dependency	₹4200.00
Annual Dependency	₹50,400.00
Multiplier	18
Loss of dependency	₹9,07,200.00
Conventional Head	₹70,000.00
Total compensation	₹9,77,000.00
Compensation awarded by Tribunal	₹6,32,000.00
Difference in compensation	₹3,45,000.00
Enhancement of compensation	₹3,45,000.00

The enhanced amount of ₹3,45,000.00, as per the above calculation, be paid to the appellant-claimant 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.

November 07, 2019 **(NIRMALJIT KAUR)**
meenuss **JUDGE**

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