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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-747-2015

Date of Decision: September 16, 2019

Shiv Kumar alias Shiv Prashad and another

.....Appellants

Versus

Kanwar Singh and others

.....Respondents

CORAM: HON'BLE MS.JUSTICE NIRMALJIT KAUR

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

Mr.Sunny Namdev, Advocate
for respondent Nos.1,2 and 4.
Mr.M.K.Garg, Advocate
for respondent No.5-Insurance Company.

.....

NIRMALJIT KAUR, J. (ORAL)

Learned counsel for the parties agree that the multiplier has been wrongly applied and the same should have been applied as per the age of the deceased and the future prospects should be given @ 40% in view of the settled proposition of law rendered in the judgment of Hon'ble Apex Court in National Insurance Company Limited vs Pranay Sethi and others, 2017(16) SCC 680. Similarly, the appellant-claimants were awarded only ₹20,000/- for transportation and last rites, which is also on the lower side.

In view of the agreed position, the multiplier should be applied 18 instead of 11 and the appellants are also entitled for future prospects @ 40%, ₹15,000/- for loss of estate, ₹40,000/- for consortium and ₹15,000/- for funeral expenses.

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

Head	Amount
Gross Salary	₹10,753.00 (rounded of ₹10,800.00)
Future prospects @ 40%	₹4,032.00 (40% of ₹10,800.00)
Total Monthly income	₹14,832.00 (₹10800.00 + ₹4,032.00)
50% deduction as personal expenses	₹7,416.00 (50% of ₹14,832.00)
Monthly dependency	₹7,416.00
Annual Dependency	₹88,992.00 (₹7,416.00 x 12)
Multiplier	18
Loss of dependency	₹16,01,856.00
Loss of estate	₹15,000.00
Loss of consortium	₹40,000.00
Funeral Expenses	₹15,000.00
Total	₹16,71,856.00
Compensation awarded by Tribunal	₹7,52,600.00
Enhancement of compensation	of ₹9,19,256.00

The enhanced amount of ₹9,19,256.00, 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 16, 2019
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(NIRMALJIT KAUR)
JUDGE

1. Whether speaking/reasoned ?

2. Whether reportable ?
- Yes/No
Yes/No