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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-6814-2016 (O&M)
Date of Decision: November 05, 2019

National Insurance Company Ltd.

.....Appellant

Versus

Gurmeet Kaur and others

......Respondents

CORAM: HON'BLE MS.JUSTICE NIRMALJIT KAUR

Present: Mr.Sanjeev K.Arora, Advocate
for the appellant.

Mr.Prashant Bansal, Advocate
for respondent Nos.1 to 3.
Mr.Sumit Dua, Advocate
for respondent Nos.4 and 5.

....

NIRMALJIT KAUR, J. (ORAL)

The present appeal has been filed by the appellant-Insurance Company on the ground that the amount towards income has been wrongly assessed. The income should have been assessed, as raised ₹9,900/- only whereas ₹11,500/- has been taken into consideration by holding that he was putting extra hours by working even on Sundays and holidays. It is further stated that the amount towards 'Conventional Head' has also been given on the higher side, which should have been ₹70,000/- only in view of the judgment of Hon'ble Apex Court in **National Insurance Company Limited vs Pranay Sethi and others**, 2017(16) SCC 680.

Learned counsel for the respondent-claimants, however, dispute the claim of the Insurance Company and states that the income has been rightly assessed taking into account that the deceased was a driver and he was also doing over-time and there is sufficient evidence on record to show that his income was ₹11,500/-. It is further stated that as per the judgment rendered in the case of **Magma General Insurance Co.Ltd.** **vs** **Nanu Ram alias Chuhru Ram and others** 2018(4) RCR (Civil) 333, each of the claimant is entitled to the minimum amount of ₹40,000/- under the 'Conventional Head'.

After hearing learned counsel for the parties, this Court finds that there is no ground to interfere in the findings with respect to the income assessed. However, there is merit in the argument that the amount awarded under the 'Conventional Head' is on the higher side. In case the Award is modified as per the above observation, the total amount of the Award would come to ₹16,24,540.00, as per the following calculations, which is not disputed by learned counsel for the appellant.

Head	Amount
Monthly Income	₹11,500.00
Future prospects @ 30%	₹3450.
Total Monthly income	₹14,950.00
1/3rd deduction as personal expenses	₹4,985.00 (rounded of)
Monthly dependency	₹9,965.00
Annual Dependency	₹1,19,580.00
Multiplier	13
Loss of dependency	₹15,54,540.00
Loss of consortium	₹70,000.00
Total compensation	₹16,24,540.00
Compensation paid	₹15,00,000.00
Difference in compensation	₹1,24,540.00

While issuing notice of motion, by way of an interim order, the appellant-Insurance Company was directed to stay the Award subject to deposit of ₹15.00 lacs.

Accordingly, the Award is modified as per the above calculation. The enhanced amount of ₹1,24,540.00, as per the above calculation, be paid to the respondent-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.

November 05, 2019 **(NIRMALJIT KAUR)**
meenuss **JUDGE**

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