

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

215

FAO-9701-2014

Date of Decision : September 05, 2019

GURMUKH SINGH & ORS

.....Appellants

VERSUS

PARVESH KUMAR & ANR

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present : Mr. Darshan Gulati, Advocate for
Dr. Naresh Kaushik, Advocate
for the appellants.

Mr. V.Ramswaroop, Advocate
for respondent No.2.

NIRMALJIT KAUR, J. (Oral)

The present appeal is filed for enhancement against the award dated 3.5.2014.

Learned counsel for the appellants while praying for enhancement of the amount awarded by the Motor Accident Claims Tribunal, Panchkula vide award dated 3.5.2014 contended that the income assessed is on the lower side. The income assessed as Rs.50,000/- per annum whereas it should have been Rs.9,000/- per month. In order to support the said contention, reliance is placed on the various judgments of this Court rendered in the cases of **Amar Nath and others** Vs. **General Manager, Haryana Roadways, Bhiwani and others**, *FAO No.3207 of 1999* and **United India Insurance Co. Ltd. Vs. Sube Singh and others**, *FAO No.218 OF 2014* wherein learned Single

Bench did not see any reason to reduce the notional income assessed by the Tribunal as Rs.9,000/- per month in case of a housewife. Admittedly, the SLP filed against the said order has also been dismissed. Thus, the notional income of the deceased is assessed as Rs.9,000/- per month. The multiplier applied by the Tribunal is correct and affirmed.

Learned counsel for the respondent-Insurance Company although vehemently opposed the same but is not able to dispute the above facts.

In view of the above, the income of the deceased is assessed as Rs.9,000/- per month taking into account that the accident is of the year 2012.

Accordingly, the appellants are held entitled to the enhanced amount as per the following calculation:-

Sr. No.	Head	Amount assessed
1	Income	Rs.9000/- p.m. x 12 = Rs.108000/-
2		
3	Deduction 1/3 rd	100800 x 1/3 = Rs.36,000/- 100800-36000 = 72000
4		
5	Multiplier	72000 x 15 = Rs.10,80,000/-
6	Loss of consortium to spouse	Rs.50,000/-
	Funeral expenses	250000
7	Total	Rs.11,55,000/-
8	Compensation awarded by the Tribunal	Rs.5,75,000/-
9	Differences	Rs.5,80,000/-

Accordingly, the present appeal is allowed to the said extent. The enhanced amount of Rs.5,80,000/- be deposited within two months from the receipt of certified copy of this order alongwith 6% interest from

the date of the claim petition till realization.

However, in case the same is not deposited within two months, the same shall thereafter be deposited alongwith interest @ 12% till payment after the expiry of two months.

September 05, 2019
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(NIRMALJIT KAUR)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No