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

FAO-2987-2017

Date of Decision: September 30, 2019

Gyan Devi and others

.....Appellants

Versus

Ashwani Kumar and another

.....Respondents

CORAM: HON'BLE MS.JUSTICE NIRMALJIT KAUR

Present: Ms.Priyadeep, Advocate for
Mr.Sanjeev Kodan, Advocate
for the appellant.
Ms.Vandana Malhotra, Advocate
for respondent No.2-Insurance Company.

.....

NIRMALJIT KAUR, J. (ORAL)

Learned counsel for the appellants while praying for enhancement submitted that at that point of time, the income of the deceased was ₹7400/-, whereas it has been only assessed as ₹7000/- and that nothing has been granted under the head 'Future Prospects', whereas he was entitled to 10% of the same.

Learned counsel for the Insurance Company while vehemently opposing the same stated that income has already been taken on the higher side as age of the deceased was 65 years as per the Ration card and no other proof has been placed on record for the age. Secondly the deduction should have been 1/3rd instead of 1/4th as grand-children have also been shown as dependents. Further the claimants have been granted ₹75,000/- under the head of 'Consortium', whereas it should have been ₹70,000/-.

After hearing learned counsel for the parties, this Court finds no reason to enhance the income as already assessed by the Tribunal. However, there is merit in the argument that future prospects @ 10% should have been

granted because as per the post-mortem, the deceased was 57 years of age. No counter-appeal has been filed and, therefore, this Court does not deem it appropriate to reduce the amount under the head 'Consortium' or towards the dependency.

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

Head	Amount
Monthly Income	₹7000.00
Future prospects @ 10%	₹700.00
Total Monthly income	₹7700.00
1/4 th deduction as personal expenses	₹1925.00
Monthly dependency	₹5775.00
Annual Dependency	₹69,300.00 (₹5775.00 x 12)
Multiplier	9
Loss of dependency	₹6,23,700.00
Loss of consortium	₹75,000.00
Total compensation	₹6,98,700.00
Compensation awarded by Tribunal	₹6,87,000.00
Difference in compensation	₹11,700.00

The enhanced amount of ₹11,700.00, 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 30, 2019
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(NIRMALJIT KAUR)
JUDGE

1. Whether speaking/reasoned ?

Yes/No

2. Whether reportable ?

Yes/No