

**CMs-18956-59-CII-2019 in  
Cross-Objection No.182-2019 in/and  
FAO-7138-2017**

**-1-**

**105**

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

**CMs-18956-59-CII-2019 in  
Cross-Objection No.182-2019 in/and  
FAO-7138-2017  
Date of Decision: November 05, 2019**

Jasvir Kaur and another

.....Appellants

Versus

Narinder Singh and others

.....Respondents

**CORAM: HON'BLE MS.JUSTICE NIRMALJIT KAUR**

Present: Mr.Arvind Rajotia, Advocate  
for the appellants.

Mr.Gopal Mittal, Advocate  
for the cross-objector-respondent No.3.

.....

**NIRMALJIT KAUR, J. (ORAL)**

**CM-18956-CII-2019**

For the reasons mentioned in the application, the same is allowed and delay of 368 days in filing the cross-objections appeal is condoned.

This order shall dispose of the both, the appeal as well as the cross-objections.

Learned counsel for the appellants while praying for enhancement submitted that future prospects have not been granted and the income too has been assessed at the lower side. It is stated that the deceased was a contractor and only ₹7,500/- income has been assessed.

Learned counsel for the respondent-Insurance Company states

that they have filed cross-objections and in the cross-objections, they have specifically raised the question of age. It is contended that age was assessed on the basis of post-mortem report, whereas the Aadhar card, placed on record as Ex.C5, before the Tribunal was ignored.

Learned counsel for the appellants is not able to dispute the same.

In case the amount is calculated taking into account the 10% increase towards future prospects as well as the income as ₹7500 and the multiplier is reduced to 11 instead of 13 taking into account that the age was 52 years and not 50, there may a reduction in the amount already awarded to the extent of about ₹1,09,000/-. However, taking into account that amount involved is only Rs.1,09,000/- which already stands disbursed to the appellants, this Court does not deem it proper to interfere with the Award and order recovery of the said amount, which would add more agony to the already bereaved family. The amount must have been utilised.

In view of the above, the appeal and the cross-objections are disposed of.

As the appeal and the cross-objections stand disposed of, all the pending applications have become infructuous and are disposed of as such.

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

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|---------------------------------------|---------------|
| <b>1. Whether speaking/reasoned ?</b> | <b>Yes/No</b> |
| <b>2. Whether reportable ?</b>        | <b>Yes/No</b> |