

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

340

FAO-4550-2018(O&M)  
Date of Decision : 26.08.2019

Sarabjit Kaur and another

.... Appellants

Versus

Jagraj Singh and others

.... Respondents

**CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN**

Present: Mr.B.D.Sharma, Advocate  
for the appellants.

Mr.Lalit Garg, Advocate  
for respondent No.3.

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**RAMENDRA JAIN, J. (ORAL)**

Through this appeal, the claimants have claimed enhancement of compensation, modifying the impugned Award dated 10.10.2017 of the Motor Accident Claims Tribunal, Jalandhar (for short-'the Tribunal').

Both the sides are *ad idem* that this appeal has to be decided in accordance with the principles laid down in ***National Insurance Company Ltd. Vs. Pranay Sethi and others, 2017 (4) RCR (Civil) 1009.***

However, learned counsel for the appellants has disputed the income taken by the learned Tribunal at ₹8,000/-per

month. The accident took place on 21.09.2015. Income of the deceased was taken by the Tribunal @ ₹8,000/- per month. According to learned counsel for the appellants, the deceased Narinder Singh was having one acre of land. Lease money of one acre land in the State of Punjab at the relevant time was around ₹30,000-50,000/- per year. Therefore, monthly income from agricultural land of the deceased comes to around ₹4,000/- per month. That apart deceased used to cultivate land by taking it on lease. Therefore, the income of the deceased ought to have been taken at Rs.10,000/- per month.

Admittedly, there is no definite or documentary evidence and income of the deceased on record. Hence, income of the deceased taken by the Tribunal at ₹8,000/- per month is quite justified, rather is on the higher side.

As per calculations 'Mark-A' furnished by learned counsel for the claimant-appellants, the total amount of compensation payable to claimant-appellants, according to ***Pranay Sethi's case (supra)***, comes to ₹12,700,60/- less ₹10,59,940/- already awarded by the learned Tribunal. Meaning thereby, the claimant-appellants are entitled to ₹2,10,120/- more over and above the compensation awarded by the learned Tribunal.

Learned counsel for respondent No.3-Insurance Company has not been able to controvert or point out any infirmity

in the above calculations (Mark-A). Hence, the same is accepted.

In view of the above, the claimant-appellants are held entitled to compensation of ₹2,10,120/- over and above the amount of ₹10,59,940/- already awarded by the learned Tribunal. Respondent No. 3-Insurance Company, through its counsel is directed to deposit the aforesaid enhanced amount of compensation before the learned Tribunal within one month from today, along with up-to-date interest @ 7.5% per annum from the date of filing of claim petition till deposit of the aforesaid enhanced amount, for onward disbursement to the claimant-appellants, in proportion so arrived at by it, in accordance with law against proper receipt and identification.

In case aforesaid enhanced amount is not deposited within stipulated time, Insurance Company would be liable to pay the same with interest @15% from the date of institution of claim petition till realization.

The instant appeal stands disposed of, accordingly.

**August 26, 2019**  
*anju*

**( RAMENDRA JAIN )**  
**JUDGE**

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |