

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

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CR-6359 of 2019

Date of decision:5.2.2020

Future Generali India Insurance Co.Ltd.

... Petitioner

versus

Dalbara Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.Vishal Aggarwal, Advocate,
for the petitioner

...

AMOL RATTAN SINGH, J. (Oral)

Learned counsel for the petitioner submits that the impugned order directing attachment of the property of the petitioner, by the execution court, needs to be stayed in view of the fact that there being a calculation error in the award passed by the learned Tribunal on 2.11.2016, an application seeking rectification of such error was filed before the learned Tribunal on 18.2.2017 (copy Annexure P-2), with that application however still not having been decided by that forum.

He points to the fact that in paragraph 23 of the said award (copy Annexure P-1), the loss of income to the claimants has been assessed as Rs.6,000/- per month on the reasoning that since the deceased was a bachelor with an income of Rs.6,000/- per month and 50% of that amount had to be deducted towards his personal expenses but 50% of Rs.6,000/- was to be added by way of loss of future prospects of an increased income, the net figure would still be Rs.6,000/-, whereas actually once 50% of Rs.6,000/- is added towards the loss of future prospects of an increased

income, the total amount obviously comes to Rs.9,000/- per month, from which 50% is to be deducted towards the personal expenses of the deceased, thereby coming to a figure of the loss of income of Rs.4500/- per month, to the respondents-claimants.

That obviously being so even as per simple calculation, this petition is disposed of with a direction to the execution court that other than the amount of compensation as is arrived at upon taking the loss of income to the respondents-claimants to be Rs.4500/- per month, and thereafter after factoring in the multiplier and other compensation under conventional heads, the amount awarded by the learned Tribunal on the basis of the loss of income of Rs.6,000/- per month shall not be disbursable to the respondents-claimants, till the decision of the application filed by the petitioner before the learned Tribunal, seeking a rectification of the error in its award.

The Tribunal is directed to decide the said application within one month from today.

However, it is to be observed that since this petition has been disposed of at the initial stage itself as above, if the respondents-claimants are aggrieved in any manner of this order on any valid ground, they would be at liberty to move an appropriate application seeking a review thereof.

5.2.2020
pk

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No