

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No.2130 of 2019

Date of Decision:-18.11.2022

Smt. Tripta Devi and others

...Appellants

Versus

Kuldeep Chauhan and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Yogesh Gupta, Advocate
for the appellants.

Service upon respondents No.1 and 2 dispensed with (vide
order dated 24.10.2019).

Mr. R.N. Singal, Advocate
for respondent No.3-Insurance Company.

NIDHI GUPTA J.(Oral)

Prayer in this appeal is for enhancement of compensation
awarded by the Tribunal vide order dated 06.12.2018.

It is submitted by learned counsel for the appellants that the
Tribunal is in patent error in applying split multiplier on the ground that the
deceased was about to retire as at the time of incident, he was about 57
years old. It is submitted by learned counsel that this is impermissible in
view of judgment of the Supreme Court in ***R. Valli and others vs. Tamil
Nadu State Transport Corporation Ltd.*** 2022(1) RCR (Civil) 867 and the
judgment of this Court in ***Oriental Insurance Company Ltd. vs. Randhir***

Kaur and others 2018(2) ACC 771. It is further submitted that loss of consortium to the two dependent sons was also not given.

Learned counsel for respondent No.3-Insurance Company does not dispute this fact.

Accordingly, the appeal is allowed and the enhanced compensation, as follows, is awarded :-

Monthly Salary after deduction of income tax	Rs.55,000/-
Add Future Prospects (15%)	Rs.8250/-
Total	Rs.63,250/-
Less deduction (1/3 rd)	Rs.21,083/-
Balance	Rs.42,167/-
Loss of Dependency (42167 x 12 x 9)	Rs.45,54,036/-
Add conventional Heads :-	
Funeral expenses	Rs.16,500/-
Loss of Estate	Rs.16,500/-
Consortium @ 44,000/- each for widow & two dependent sons	Rs.1,32,000/-
Total Compensation	Rs.47,19,036/-
Less MACT award	Rs.21,65,090/-
Enhancement	Rs.25,53,946/- with interest @ 9% per annum from the date of filing claim petition.

Disposed of, as above.

November 18, 2022

Vijay Asija

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned

Whether Reportable

Yes / No

Yes / No