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

**CM-5565-CII-2023 in/and
FAO-4383-2008(O&M)
Date of decision : 04.11.2024**

Satnam Kaur & ors.

....Appellants

Versus

Harish Kumar & ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present:- Mr. G.S.Thind, Advocate
for the applicants-appellants.

Mr. Shubham Gupta, Advocate and
Mr. D.P.Gupta, Advocate
for non-applicant-respondent No.4.
(Through V.C.)

PANKAJ JAIN, J.(ORAL)

CM-5565-CII-2023

This is an application for hearing the main appeal and deciding the same on merits as the claimants are a widow and two children who are in need of money.

With the consent of both the parties, the main appeal has been taken on board today itself.

Application stands allowed.

**Main case**

1 Claimants are in appeal seeking enhancement of compensation on account of death of Amarjit Singh who died in a motor vehicular accident on 09.02.2007 at a young age of 31 years.

2 The only issue relates to quantum. The income of the deceased was proved on record vide Ex. PW4/A-the salary certificate. As per the same the deceased was earning monthly salary of Rs.10,251/-. Tribunal erred in taking the salary @Rs.9,300/- after deducting the perks. Thus the compensation needs to be assessed by taking monthly salary of the deceased @Rs.10,251/- instead of Rs.9,300/-. In view of ratio of law laid down by Supreme Court in the matter of *Sarla Verma & ors. Vs. Delhi Transport Corporation & anr., 2009 ACJ 1298*, 1/4th deduction has to be applied instead of 1/3rd. Nothing has been paid on account of future prospects. In view of ratio of law laid down in *National Insurance Co., Ltd., Vs. Pranay Sethi & ors., 2017(4) RCR (Civil) 1009*, 50% future prospects needs to be awarded. Multiplier also needs to be enhanced from 14 to 16 keeping in view death of the deceased. Nothing has been paid under the Conventional head of loss of estate. Rs.10,000/- have been granted under the head of funeral expenses. Under each of the two heads, the claimants are entitled for Rs.18,000/-. Nothing has been paid on account of loss of consortium. Each of the claimant is entitled for Rs.48,000/- for loss of consortium.

3 Rate of interest awarded by the Tribunal also needs to be enhanced to 9% per annum.

4 With the aforesaid modifications in the impugned award, the appeal is disposed off.



5 Needless to say that the appellants shall be entitled for interest on the enhanced amount till the date of actual realization. Anything already paid to the claimants needs to be set off.

04.11.2024
Pooja Sharma-I

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No