



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

**CM No.11894-CII of 2024 in/and
FAO No.1364 of 2012
Date of decision : 07.08.2024**

Nirmala (since deceased) through LRs and anotherAppellants

Versus

Niranjan and othersRespondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Ms. Mehak Ghangas, Advocate for
Mr. Ajay Ghangas, Advocate
for the applicants/appellants.

Mr. Shubham Gupta, Advocate for
Mr. J.P. Gupta, Advocate
for respondent No.3

PANKAJ JAIN, J. (ORAL)

CM-11894-CII-2024

This is an application filed under Order 22 Rule 3 CPC for
bringing on record legal representatives of appellant No.1.

For the reasons recorded n the application, the same is allowed.
Legal heirs of appellant No.1 mentioned in Para No.3 of the application are
allowed to be brought on record.

Amended memorandum of parties is taken on record.



FAO No.1364 of 2012

On verbal request of counsels representing the parties the main appeal is taken on Board today itself.

2. Claimants are in appeal seeking enhancement of compensation claiming modification in the impugned award.

3. Appellants are both parents of deceased Ravi Parkash who lost his life in a motor-vehicular accident dated 10.02.2011 at the young age of 22 years. Tribunal held respondent No.1 guilty of rash and negligent driving that was cause behind the accident. Monthly income of the deceased was assessed to be Rs.4,200/- per month being an agriculturist.

4. Counsel for the appellant submits that the same ought to have been assessed @ Rs.5,000/- per month i.e. the minimum wages prescribed for semi-skilled worker.

5. In the considered opinion of this Court, the deceased being an agriculturist is deemed to be a semi-skilled worker and his income is assessed to be @ 5,000/- per month.

6. Counsel for the Insurance Company is not in position to deny that in view of law laid down by Supreme Court in 'National Insurance Company Limited vs. Pranay Sethi and others', (2017) 16 SCC 680 future prospects of 40% need to be added. Deduction of 1/2 has been rightly applied. Multiplier also needs to be enhanced from 9 to 18 in view of dictum of law laid down in 'Smt. Sarla Verma & others vs. Delhi

2024-PHHC-125202



Transport Corporation & another’ (2009) 6 SCC 121. Claimants are further entitled for another amount of Rs.18,000/- on account of loss of estate. Loss of consortium has to be granted @ Rs.48,000/- each to both the claimants i.e. Rs.96,000/-.

- 7. The impugned award is ordered to be modified accordingly.
- 8. Claimants are further entitled to interest on the awarded amount @ 9% from the date of filing of the petition till the actual date of realization.
- 9. Appeal is ordered to be allowed in the aforesaid terms.

August 07, 2024
Dpr

(Pankaj Jain)
Judge

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