

FAO-2352-2017 (O&M) and
other connected matters

2024.FHHC.172541



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

Date of decision : 11.11.2024

FAO-2352-2017 (O&M)

National Insurance Co. Ltd.

....Appellant

Versus

Veena Rani & ors.

....Respondents

FAO-2384-2017 (O&M)

National Insurance Co. Ltd.

....Appellant

Versus

Smt. Kailasho & ors.

....Respondents

FAO-5836-2019 (O&M)

Smt. Kailasho

....Appellant

Versus

Lakhwinder Singh @ Lakhi & ors.

....Respondents

FAO-5939-2019 (O&M)

Veena Rani & ors.

....Appellants

Versus

Lakhwinder Singh @ Lakhi & ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present:- Mr. Vipul, Advocate and
Mr. Paul S.Saini, Advocate for the appellant in
FAO-2352-2017 & FAO-2384-2017
for respondent No.3 in FAO-5836-2019
for respondent No.3 in FAO-5939-2019



Mr. Ashwani Verma, Advocate
for respondents No.1 to 4-claimants in FAO-2352-2017
for respondent No.1 & 2 in FAO-2384-2017
for the appellant in FAO-5836-2019
for the appellants in FAO-5939-2019

None for respondent No,3 in FAO-2384-2017

Mr. H.P.S.Ishar, Advocate and
Mr. Dheeraj Kumar, Advocate
for respondents No.5 & 6 in FAO-2352-2017
for respondent No.4 in FAO-2384-2017
for respondents No.1 & 2 in FAO-5939-2019

PANKAJ JAIN, J.(ORAL)

- 1 These are two sets of cross appeals arising out of a same award.
- 2 MACT Fatehabad vide award dated 01.12.2016 adjudicated
three claim petitions filed by the claimants arising out of same accident.
- 3 FAO No.2352 of 2017 is at the behest of insurer. Claimants are
in cross appeal in FAO No.5939 of 2019. Both the appeals arise out of
claim petition bearing No.59 of 2016.
- 4 FAO No.2384 of 2017 filed by the insurance company arises
out of claim petition bearing No.60 of 2016.
- 5 FAO No.5836 of 2019 is the cross appeal at the behest of
claimant. All the appeals relate to quantum.
- 6 Learned counsel for the insurance company has raised plea
regarding income of the deceased, deduction applied and the future
prospects granted by the Tribunal. Appellants in the cross appeal seek
enhancement claiming that the future prospects have been granted at a lower
side.



7 In claim petition bearing No.59 of 2016 widow, minor daughter and parents of the deceased Satpal are seeking compensation. Satpal was 24 years of age and is claimed to have been working as a Mason earning Rs.25,000/- per month at the time of accident.

8 In claim petition bearing No.60 of 2016 appellants are the parents of Naresh Kumar, who was 25 years of age and was also stated to be working as a Mason and earning Rs.25,000/- per month. Tribunal held that in absence of there being any documentary evidence with respect to the income of the deceased, their income needs to be taken @ Rs.6,000/- per month. *Qua* the deceased Satpal deduction of 1/4th was applied. Future prospects of 50% was granted. Multiplier of 18 was applied. Rs.1,00,000/- was awarded to petitioner No.1 towards loss of consortium. Rs.22,000/- towards funeral expenses and Rs.1,00,000/- loss of care and guidance of minor child.

9 In the considered opinion of this Court, Tribunal ought to have assessed the income as per minimum wages notified by State on the relevant date. In both the set of appeals the claimants claimed that the deceased were working as Mason though there is no evidence regarding their income.

10 Keeping in view the aforesaid fact both are treated as semi-skilled workers. Their income is, thus taken as Rs.10,000/- i.e., the minimum wages notified by State of Haryana for semi skilled workers. Keeping in view the age of both the deceased, they are further entitled for 40% future prospects in view of ratio of law laid down in ***National Insurance Co., Ltd., Vs. PranaySethi&ors., 2017(4) RCR (Civil) 1009.***



11 In Veena Rani's case bearing FAO No.5939 of 2019 1/4th deduction has been rightly applied. Likewise in Kailasho's case bearing FAO No.5836 of 2019 Tribunal has rightly applied deduction of 1/2. Under conventional heads the claimants are entitled for further amount of Rs.18,000/- each for loss of estate and funeral expenses. All the claimants are further entitled for an amount of Rs.48,000/- on account of loss of consortium.

12 With the aforesaid modification, the appeals are disposed off. The rate of interest awarded by the Tribunal is maintained. The claimants shall be entitled for the same till the date of actual realization.

13 Needless to say amount already paid shall be adjusted.

14 A photocopy of this order be placed on the files of the connected cases.

11.11.2024

Pooja Sharma-I

**(PANKAJ JAIN)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No