



279 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No.2882 of 2021
Date of decision : 24.04.2025

JagwantiAppellant
Versus
New India Assurance Co. Ltd. and others ...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Sandeep Singal, Advocate for the appellant.

Mr. Rajneesh Malhotra, Advocate for respondent No.1.

PANKAJ JAIN, J. (ORAL)

Claimant seeks enhancement of compensation awarded by the Tribunal on account of death of Amit Kumar, who died in a motor-vehicular accident on 10.05.2016.

2. As per the claimant, deceased Amit Kumar was working as Supervisor with M/s Rajesh Kumar Batra Contractor and was drawing salary of Rs.18,500/- per month. In order to prove income of the deceased, salary certificate issued by the employer, Exhibit P71, has been proved on record. Though, no witness has been examined by the claimants.

3. Having heard counsel for the parties, this Court finds that the compensation awarded by the Tribunal needs to be revisited.

4. Tribunal assessed the income of the deceased at Rs.8,000/- per month. In the considered opinion of this Court, even if the quantum of salary being earned by Amit Kumar is not proved, it stands proved that he was



working as Supervisor with the Contractor. Thus, the Tribunal ought to have assessed the income of the deceased at Rs.15,000/- per month. 40% have been rightly awarded on account of future prospects. Deduction of 1/4th has been rightly applied. Keeping in view the age of deceased i.e. 32 years at the time of accident, multiplier of 16 would be applicable. All the claimants (appellant and proforma respondents No.3 to 5) have been rightly held to be entitled to an amount of Rs.40,000/- on account of loss of consortium in view of ratio of law laid down by Supreme Court in the case of 'National Insurance Company Limited vs. Pranay Sethi and others', 2017 (16) SCC 680. Amount of Rs.15,000/- has been rightly granted on account of funeral expenses. Amount of Rs.15,000/- is further granted for loss of estate. The claimants (appellant and proforma respondents No.3 to 5) shall be entitled for interest @ 7.5% per annum on the enhanced amount, from the date of filing of the claim petition till the actual date of realization.

5. Needless to say any amount already paid to the claimant/appellant as well as proforma respondents No.3 to 5, in execution of the award shall be set off.

6. With the aforesaid modification in the impugned award, the instant appeal is disposed off.

April 24, 2025

Dpr

(Pankaj Jain)

Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No