

FAO-5219-2017 (O&M)

2025:PHHC:005037



FAO-4615-2018 (O&M)

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2025:PHHC:005040



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

Date of decision : 13.01.2025

**CM-16105-CII-2017 in/and
FAO-5219-2017 (O&M)**

United India Insurance Co. Ltd.

..... Appellant

versus

Santra & ors.

..... Respondents

**CM-15528-CII-2018 &
CM-15530-CII-2018 in/and
FAO-4615-2018 (O&M)**

Santra & ors.

..... Appellants

versus

Dinesh & ors.

..... Respondents

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Vikas Mohan Gupta, Advocate
for the appellant (FAO-5219-2017)
for respondent No.3 (FAO-4615-2018).

None for respondents No.5 & 6 (FAO-5219-2017)

Mr. Ashish Sanghi, Advocate
for the appellant (FAO-4615-2018)
for respondents No.1 to 4 (FAO-5219-2017)

PANKAJ JAIN, J. (ORAL)

CM-16105-CII-2017

This is an application seeking condonation of delay of 15
days in filing the present appeal.

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For the reasons recorded in the application, this Court is satisfied that the applicant-appellant has shown sufficient cause to condone the delay in filing the appeal.

Application is allowed. Delay of 15 days in filing the appeal is condoned.

CM-15528-CII-2018

This is an application seeking condonation of delay of 65 days in re-filing the present appeal.

For the reasons recorded in the application, this Court is satisfied that the applicant-appellant has shown sufficient cause to condone the delay in filing the appeal.

Application is allowed. Delay of 65 days in re-filing the appeal is condoned.

CM-15530-CII-2018

This is an application seeking condonation of delay of 174 days in filing the present appeal.

For the reasons recorded in the application, this Court is satisfied that the applicant-appellant has shown sufficient cause to condone the delay in filing the appeal.

Application is allowed. Delay of 174 days in filing the appeal is condoned.

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Main cases

1 The Insurance Company as well as the claimants are in appeal. Grievance of both the appellants is with respect to quantum of compensation. The Tribunal while ascertaining the compensation assessed the income of the deceased at Rs.6,000/- per month in the absence of there being any evidence on record.

2 Learned counsel for the claimants submits that even if the deceased is to be taken as an unskilled worker his monthly wages as per minimum wages notified by State of Haryana for the relevant period would be Rs.8,000/- per month. He further submits that even under the conventional heads the Tribunal erred in granting meagre sum of Rs.1.00 lakh on account of loss of consortium whereas in view of the law laid down by Supreme Court in *National Insurance Co., Ltd., Vs. Pranay Sethi & ors., 2017(4) RCR (Civil) 1009*, each of them was entitled for a sum of Rs.48,000/-.

3 *Per contra*, Mr. Vikas Mohan Gupta, Advocate submits that the Tribunal erred in granting future prospects @50% and the same ought to have been 40%. However, he is not in a position to dispute that the income of the deceased even as per the notified minimum wages deserves to be enhanced to Rs.8,000/- per month.

4 Having heard rival contentions of the parties and after carefully going through records of the case, the appeals are hereby disposed off with the following modification in the impugned award :-

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(i) In order to assess the compensation the income of the deceased is taken to be Rs.8,000/- per month.

(ii) He is entitled for 40% future prospects.

(iii) Keeping in view the number of dependents 1/4th deduction needs to be applied.

(iv) Multiplier of 18 would be applicable.

(v) Each of the claimants shall be entitled for an amount of Rs.48,000/- for loss of consortium.

(vi) Rs.18,000/- is granted under each head of transportation and funeral expenses.

(vii) The claimants shall further be entitled for interest @7.5% per annum from the date of filing of the claim petition till the date of actual realization.

5 Needless to say any amount already paid shall be set off and adjusted.

6 Since the main case has been decided, the pending miscellaneous application, if any, also stands disposed off.

7 Photocopy of this order be placed on the connected file.

**(PANKAJ JAIN)
JUDGE**

13.01.2025

Pooja sharma-I

Whether speaking/reasoned

Yes

Whether Reportable :

No