



220 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-3795-2001 (O&M)
Date of decision : 28.01.2025

Neeraj Bala (Deceased) through LRs
and others

...Appellants

Vs.

Kashmir Singh and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Maneet Kaushik, Advocate for
Mr. Ashit Malik, Advocate
for the appellants.

Mr. R.C. Gupta, Advocate
for respondent No.3.

ANIL KSHETARPAL, J. (Oral)

1. Through this appeal, widow, three minor children and widowed mother of late Sh.Ashok Kumar Grover (who lost his precious life at a young age of 35 years on 23.02.1999 in a motor vehicular accident), pray for scaling up the compensation payable to them. The Tribunal has awarded Rs.3,14,200/-. There is no cross-appeal filed by the Insurance Company. Hence, the only issue is with respect to the appropriate amount of compensation. Late Sh. Ashok Kumar Grover was stated to be employed as an Assistant Accountant with M/s. Shivam Overseas. The salary slip was Exhibited as Ex. P-3. PW/3-Sh. Sunil Kumar partner of the Firm appeared in evidence and stated that Sh. Ashok Kumar Grover remained in service from 10.04.1998 to 23.02.1999



at the salary of Rs. 4,500/- per month.

2. When Sh. Sunil Kumar appeared in evidence, suggestions were given to the witness that Sh. Ashok Kumar Grover was not their employee and he was not getting salary of Rs. 4,500/- and no income tax or provident fund was deducted. On the basis of the aforesaid evidence, the Tribunal has concluded that the income of the deceased is not proved because the account books of the firm were not produced. It is evident that when Sh. Sunil Kumar appeared in evidence, learned counsel representing the respondents never requested for production of the account books of the Firm. The employer of the deceased has appeared in evidence. Opportunity was available to the respondents to impeach his credibility by requesting him to produce the account books. Hence, the Tribunal erred in refusing to rely upon salary certificate Ex. P-3.

3. The Tribunal has also failed to award appropriate amount for escalation in the income on account of future prospects. In accordance with ***'National Insurance Company Ltd. vs. Pranay Sethi and others'*** 2017 (10) SCC 450, a Five Judge Bench Judgment of the Supreme Court, the income is to be scaled up by 40% on account of 'Future prospects'.

4. Since the deceased left behind as many as five dependents, hence, deduction of 1/5th shall be applied.

5. Learned counsel representing the respondents submits that the deduction should be 1/4th. It is evident that Sh. Ashok Kumar Grover was a low-paid employee who would not spend 1/4th of the amount on himself,



particularly, when he has five dependents including three growing children. Under the conventional heads, the appellants shall be entitled to loss of consortium @ Rs. 40,000/- each and Rs. 18,000/- each for loss of estate and funeral expenses.

6. Accordingly, the revised compensation is calculated as under:-

Heads	Compensation Awarded by MACT	Compensation awarded by High Court
Monthly income assessed	Rs. 2,250/- per month	Rs. 4,500/- per month
Future Prospects	-----	40%
Dependency	Rs. 650/-	1/5th
Multiplier	16	16
Compensation	Rs.3,07,200/-	Rs.9,67,680/-
Loss of Consortium	Rs. 5,000/-	Rs.40,000/-
Loss of Filial and Parental Consortium	---	Rs.1,60,000/-
Last Rites	Rs.2,000/-	Rs.18,000/-
Loss of Estate	-----	Rs. 18,000/-
Grand Total	Rs.3,14,200/-	Rs.12,03,680/-

7. The enhanced amount shall be payable with interest @ 7.5% from the date of filing of the claim petition till the payment.

8. All the pending miscellaneous applications, if any, are also disposed of.

(ANIL KSHETARPAL)
JUDGE

28.01.2025

neeraj

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No