THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO No. 332 of 2003(O&M)
Date of decision : 20.02.2015

Kamlesh Rani and others

......Appellants

Versus

Kaptan Singh and others

...Respondents

CORAM: HON'BLE MS. JUSTICE ANITA CHAUDHRY

1. Whether Reporters of the local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present: Mr. Tribhuvan Dahiya, Advocate
for the appellants

Mr. Rohan Sharma, Advocate
for respondent No. 2

Mr. R.N. Singal, Advocate
for respondent No. 3

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ANITA CHAUDHRY, J.

The appellants are seeking modification of the award dated 04.10.2002.

Sultan Singh, 34 years was stated to be an agriculturist and owned 20 acres of land. The Tribunal noted that no documentary evidence had been adduced in evidence to show that the deceased owned any land. Taking the deceased to be a labourer it calculated the compensation, taking the income to be ₹ 2,400/- per month. A deduction of 1/3rd was made and applying the multiplier of 12, the compensation was calculated at ₹ 2,30,400/-. A sum of

₹ 5,000/- were added for the last rites.

So far as the income is concerned the appellants had failed to prove the income. They failed to lead any evidence that the deceased owned any land. Even otherwise in the case of an agriculturist the land always remains with the family and a person has to be employed to manage the land. The Tribunal had taken the income of the deceased at ₹ 2,400/- per month. The minimum wages in 1998 were much lower. As there is no appeal by the Insurance Company, there can not be any change. I find that the number of claimants were large and the deduction should have been $1/4^{th}$. The multiplier should have been 16 instead of 12 considering the age.

Taking the income to be ₹ 2,400/- making a deduction of $1/4^{th}$, the contribution to the family would be ₹ 1,800/-. The annual contribution would come to ₹ 21,600/-. Applying the multiplier of 16, the compensation would come to ₹ 3,45,600/-. To this ₹ 5,000/- more should be added for the funeral expenses, ₹ 10,000/- for loss of consortium, ₹ 10,000/- for loss of love and affection, raising the total to ₹ 3,70,600/-. The Tribunal had allowed ₹ 2,35,400/-, which shall be deducted. Remaining amount would be payable to the appellants in the same ratio as allowed by the Tribunal within two months failing which the appellants would be entitled to interest @ 6% p.a. from the date of filing of the appeal till realization.

20.02.2015 **(ANITA CHAUDHRY)**
reena **JUDGE**