IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.93 of 1992 (O&M)
Date of Decision:29.01.2015

Bahinder Kaur and others

….Appellants

Versus

Palwinder Singh and others

….Respondents

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. G.S. Sidhu, Advocate for the appellants.
Mr. R.N. Singal, Advocate for respondent No.3-New India Assurance Company Ltd.

NAVITA SINGH, J.

1. Memo of parties was filed in compliance with the order passed on the last date.

2. Heard.

3. The appeal is filed against the award passed by the Motor Accident Claims Tribunal, Ropar, on 2.5.1991, for enhancement of the amount granted as compensation, which was to the tune of Rs.3,55,200/-.

4. The appellants claimed the compensation for the death of Paramjit Singh, who was husband of appellant No.1, son of appellants No.2 and 3 and father of appellants No.4 and 5 and had died in a motor vehicle accident, which occurred on 5.11.1990.

5. Counsel for the appellants argued that as per the latest law, nothing was awarded under the conventional heads. The widow was entitled to be compensated for the loss of consortium and the children for loss of love and affection.

6. Counsel for the contesting respondent i.e. Insurance Company, per contra, stated that a reading of the award would show that separate multiplier was applied on the contribution of the deceased towards the widow, assessed on the basis of income, and different multiplier was applied for the minor children

and similarly for the parents. Calculation of compensation of amount was made separately in accordance with that. The widow was held entitled to an amount of Rs.1,68,000/- applying a multiplier of 20,calculating her monthly loss as Rs.700/-. For the minor sons, the monthly loss was taken to be Rs.350/- and yearly loss thus Rs.4200/-. Multiplier of 16 was applied for Gurpreet Singh, who was 6 years old at that time while multiplier of 20 was applied for the other minor son, who was two years at that time. For the parents, yearly loss was taken to be Rs.2400/- and multiplier of 15 was applied.

7. Counsel for the appellants submitted that as per the latest law something should be awarded to the widow and children of the deceased under the main conventional heads but he probably lost sight of the fact that in view of the latest law relating to multiplier, a multiplier of 20 could not be applied on the basis of which, compensation for the widow and children was calculated by the Tribunal. If multiplier is applied as per the law now prevailing, the total compensation will have to be reduced.

8. For the small income, which the deceased had at the relevant time, the family would not have got the amount assessed by the Tribunal. The worth of money in 1991 was manifold as compared to today and an amount of Rs.3,55,200/- in those days was more than sufficient.

9. Interest was also awarded by the Tribunal at the rate of 12% per annum whereas in these days it is being given at the rate of 6% per annum. Thus, taken from all angles, the appellants already got more than was required to be paid to them under the law and, therefore, no enhancement is warranted.

10. The appeal is dismissed.

(NAVITA SINGH)
JUDGE

29.01.2015
Ishwar

Whether to be referred to reporter: No