Sr. No.317
IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.1003 of 1994
Date of Decision.26.08.2015

Prem Vats and others ....Appellants

Versus

Satbir Singh and others

......Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of 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. A.S.Virk, Advocate,
for the appellants.

Mr. Bhupesh Dogra, Advocate,
for respondent No.3-Insurance Company.

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K. KANNAN J. (ORAL)

The appeal is for enhancement of compensation for death of a male, aged 35 years, who was engaged in private business. The accident had taken place on 09.06.1990. He was assessed to tax and immediately prior to the accident, his income was shown as Rs.21,357/-. There has been Income tax return filed posthumously and the Tribunal did not rely on the same and adopted the income shown before the death. The Tribunal applied 1/3rd deduction for personal expenses, applied a multiplier of 18 and granted compensation of Rs.2,56,200/-. I will not find any error in the course adopted by the Tribunal in taking the income assessed for the year before his death but I will provide for a prospect of increase for income by 50% and also allow for the conventional heads of claims which are awarded now. However, considering the fact that accident took place in the year 1990, I scale down the component of loss of consortium and loss of love and affection for children at Rs.50,000/- each, for the interest accumulated would itself factor the deficit and make good for the amounts which are being now assessed.

I re-assess the compensation under the various heads of claims and tabulate them as under:-

Date of Accident		*09/06/90*	
Age		*35*	
Occupation	Private businessman		
Claimants	Widow, two minor daughters, one minor son		
	Heads of claim	**Tribunal**	**High Court**
Sr. No.		Amount (₹)	Amount (₹)
1.	Income	21357	21357
2.	Add,% of increase 30%/ 50%		32035
3.	Deduction ½, 1/3, ¼, 1/5	14235	24026.62
4.	Multiplicand		
5.	Multiplier	18	16
6.	Loss of dependence		3,84,425
7.	Medical expenses		
8.	Loss of consortium		50000
9.	Loss of love and affection 50,000x4		2,00,000
10.	Loss to estate		2500
11.	Funeral expenses		5000
	Total	2,56,200	6,41,925
			Rounded to 6,42,000/-

There shall be an award of Rs. 6,42,000/-.The additional amount of compensation will attract interest @6% from the date of petition till the date of payment. The amount awarded shall be distributed equally amongst all the claimants. The liability shall be on the Insurance Company.

The appeal is allowed on the above terms.

(K. KANNAN)
JUDGE

August 26, 2015
vandana