

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

FAO No.211 of 2000

Date of Decision: 19.08.2015

Manjit Kaur and Anr.

.....Appellants

Vs.

Resham Singh and Others

.....Respondents

CORAM: HON'BLE MR. JUSTICE K.KANNAN

**Present:- Ms.Amanpreet Kaur, Advocate for
Mr.H.N.S.Gill, Advocate for the appellants.**

**Mr.Veneet Sharma, Advocate for
respondent No.1.**

K.KANNAN, J. (O&M)

The appeal is for enhancement of compensation for the death of a male aged 60 years in a motor vehicle accident. The claimants were the wife and minor child. It was claimed that the deceased was doing dairy farming and was earning income of Rs. 8,000/- to Rs.10,000/-per month. The Tribunal took his income at Rs.3,000/- and adopted a multiplier of 5 and assessed a compensation of Rs.1,80,000/-. The owner of the vehicle remained ex-parte and the Tribunal assessed the compensation and made the driver of the vehicle liable.

The case of compensation has obtained reasonable certitude as regards the manner of determining deduction, the multiplier applicable, assessment of loss for consortium, loss of love and affection and funeral expenses etc. The Tribunal has not provided any amount for loss of consortium and towards love and affection. I

will provide Rs.1,00,000/- towards loss of consortium and Rs.50,000/- towards love and affection considering the fact that the accident related to the period before the year 2000 and interest that would be awarded will itself factor appropriately for an amount which the present day compensations are given with interest available only from the date of such accident. I will not make any modification about the income assessed and modify the multiplier to 9, in the manner laid down by the decision of the Supreme Court in case of **Sarla Verma Vs. Delhi Transport Corporation and Another 2009(6)SCC 121** . The various heads of compensation are tabulated as under:-

Fatal Accident			
	Date of accident	01.07.1996	
Age		60	
Occupation	Ex.Serviceman	Rs.8,000/-	-
Claimants	Wife and minor son		
	Heads of claim	Tribunal	High Court
Sr. No.		Amount(Rs.)	Amount (Rs.)
1.	Income	Rs.3000/-	Rs.3000/-
2.	Add, % of increase		
3.	Deduction (1/3)		Rs.2000/-
4.	Multiplicand		Rs.24,000/-
5	Multiplier	5	9
6.	Loss of dependence		Rs.2,16,000/-
7.	Loss of consortium		Rs.1,00,000/-
8.	Loss of love and affection		Rs.50,000/-
9.	Loss of estate		Rs.5,000/-
10.	Funeral Expenses		Rs.5,000/-
12	Total	Rs.1,80,000/-	Rs.3,76,000/-

There shall be an award of Rs.3,76,000/-. The

additional amount of compensation over what has already been provided by the Tribunal will attract interest @ 7.5% per annum from the date of petition till the date of payment. The additional amount of compensation is liable to be equally distributed between the wife and son of the deceased. The liability shall be not only upon the driver but also on the owner who remained ex-parte and who shall be vicariously liable for the said liability of entire compensation jointly and severally for the claim. The driver can seek to shift his liability against the owner after satisfying the claimants if, execution is levied against him.

The award is modified and appeal is allowed to the above extent.

19.08.2015
anil

(K.KANNAN)
JUDGE