

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

FAO No.767 of 1996

Date of Decision: April 22, 2015

Smt. Raj Kanta and others

.. Appellants

vs.

Harmesh Singh and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Munish Gupta, Advocate for the appellants.

Mr. Abhishek Goyal, Advocate for

Mr. Pardeep Goyal, Advocate for respondent No.3.

- 1. Whether Reporters of Local Newspapers 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?*

Kuldip Singh J.

This is claimants/appellants' appeal against the Award dated 30.11.1995 passed by the Motor Accident Claims Tribunal, Hoshiarpur (in short 'the Tribunal').

Brief facts of the case are that Garib Dass, working as Lineman in Electricity Board, died as a result of the motor vehicular accident occurred on 19.03.1994. At the time of the accident, he was 45 years of the age. His wife, daughter and son filed a claim petition before the Tribunal.

After noticing the entire facts, the Tribunal awarded compensation of ₹2,50,000/- with interest @ 12% per annum from

the date of filing of the claim petition till its realization and the Insurance Company was held liable to pay the compensation.

I have heard learned counsel for the parties and have also carefully gone through the case file.

The contention of learned counsel for the appellant is that grant of lump sum compensation is not justified. The multiplier method should have been used. No compensation under the other conventional heads was granted.

There are merits in the contention of learned counsel for the appellant.

Accordingly, the compensation in the present case is re-calculated. Since the proved income of the deceased was ₹4,500/- per month. 30% of the income i.e. ₹1,350/- is added on account of future prospects. Thus, the income of the deceased comes to ₹5,850/- per month. After deducting 1/3rd i.e. ₹1,950/- on account of personal expenses, the dependancy of the claimants-appellants comes to ₹3,900/- per month.

Keeping in view the age of the deceased, multiplier of 14 is applied. In this way, the amount of compensation comes to ₹6,55,200/- ($₹3900 \times 12 \times 14$). ₹1,00,000/- on account of loss of consortium to the wife and another ₹1,00,000/- on account of love and affection and guidance to the minor children are also allowed. ₹25,000/- on account of funeral expenses are also allowed. Therefore, the total amount of compensation comes to ₹8,80,200/- (rupees eight lac eighty thousand two hundred only).

Accordingly, the appeal is allowed and compensation is enhanced to ₹8,80,200/-. The enhanced amount of compensation shall be paid with interest @ 7.5% per annum from the date of filing of the claim petition till realization.

April 22, 2015
sarita

(KULDIP SINGH)
JUDGE