

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

FAO No.3218 of 1999

Date of decision: 28th January, 2015

Meena Shukla and others

... Appellants

Versus

Gurdeep Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

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

Present: Mr. Sagar Aggarwal, Advocate for
Mr. Ashit Malik, Advocate
for the appellants.

Mr. P.S. Dhaliwal, Advocate
for the respondents.

FATEH DEEP SINGH, J.

This is an appeal by the claimants who are aggrieved over the consolidated Award dated 23.04.1999 passed by the learned Motor Accident Claims Tribunal, Karnal. Since original record stood destroyed in the fire that engulfed the record room, not much by way of evidence is available before this Court in the reconstructed records.

After hearing arguments of Mr. Sagar Aggarwal, Advocate appearing on behalf of Mr. Ashit Malik, Advocate for the claimant/appellants and Mr. P.S. Dhaliwal, Advocate for the respondents.

It is not disputed at this juncture that on 23.03.1998 bus bearing registration No.CH-01G-5591 being driven by Gurdeep Singh respondent in a rash and negligent manner caused the accident resulting into death of deceased Bal Kishan Shukla and the findings of learned Tribunal by way of issue No.1 qua manner of the accident has attained finality since the same were never assailed by any of the respondents. It is proved on record by way of evidence that the deceased at the time of accident was aged around 26½ years, working as Junior Engineer in Winsome Textile Industries Ltd., Baddi (Solan). The learned Tribunal on the basis of appointment letter Ex.P1 and the salary certificate Ex.P2 has taken salary of the deceased to be ₹3,725 per month. It is there on the records that deceased has left behind young widow Meena Shukla, a minor son Vimanshu and aged parents namely Dev Narain and Ram Dulari. The learned Tribunal has deducted 1/3 of this proven salary towards the expenses on own upkeep and maintenance of the deceased which is contrary to the principles, and keeping in view the socio economic status 1/5 needs to be deducted and therefore in all likelihood the deceased must be contributing ₹2,980 per month to the running of the household and the annual dependency thus comes to ₹35,760. The learned Tribunal has rightly applied the multiplier of 18 in view of '**Sarla Verma & others v. Delhi Transport Corporation & another**' reported in **2009(6) SCC 121** having regard to the age of the deceased and therefore, the compensation comes to ₹6,43,680.

But the learned Tribunal has failed to consider as has been highlighted on behalf of the appellants by Mr. Sagar Aggarwal,

Advocate that no adequate compensation under the conventional heads has been awarded and which argument could not be controverted on behalf of the respondents by Mr. P.S. Dhaliwal, Advocate. A young wife has lost her young husband, minor son his father and aged parents their son, a source of love and affection as well as protection for all the family members besides loss of consortium to the widow and under all these conventional heads by some amount of guesswork and hypothetical assessment an amount of ₹2.00 lacs is awarded to the claimants. Therefore, total compensation comes to ₹8,43,680 (rupees eight lacs forty three thousand six hundred eighty).

Besides this, the claimants are also entitled to interest @7.5% p.a. on the enhanced amount from the date of filing of the appeal till realization. Interim compensation paid, if any, shall be adjusted. Keeping in view the relative requirements of the claimants, widow and son who are young are entitled to 30% each of the compensation whereas aged parents of the deceased shall be entitled to 20% each of this compensation. Rest of the stipulations laid down by the Tribunal need not be disturbed. In case the minor claimant has attained majority his share shall not be put up by way of FDR.

In view of the foregoing discussions, the impugned Award is modified and the appeal stands allowed in those terms.

(FATEH DEEP SINGH)
JUDGE

January 28, 2015
rps