

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

FAO No.1069 of 2001(O&M)

Date of decision: 12.08.2015

Jatinder Kaur and another

... Appellants

versus

Mohammad Yousuf and others

.... Respondents

2. FAO No.1070 of 2001(O&M)

Jatinder Kaur and another

... Appellants

versus

Mohammad Yousuf and others

.... Respondents

3. FAO No.1071 of 2001(O&M)

Jatinder Kaur

... Appellant

versus

Mohammad Yousuf and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

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

Mr. R.K Bashamboo, Advocate,
for the respondent-Insurance company.

K.Kannan, J.

The appeals are for enhancement of compensation brought at
the instance of the legal representatives of the deceased persons in appeals

which are the subject of appeals in FAO No. 1069 and 1070 of 2001 and for enhancement of compensation for injury by the claimant through the subject of appeal in FAO No. 1071 of 2001.

The appeal FAO No. 1069 of 2001 pertains to the death of a male aged 43 years who was a technical assistant in the State Warehousing Corporation. The claimants were widow and the minor son. He was drawing an income of Rs. 8,550/- per month. The Court applied a deduction of 1/3rd and adopted a multiplier of 8. It added the conventional heads and provided for a compensation of Rs. 5,50,280/-.

The scales of compensation have substantially altered and there are surer parameters for their determination, thanks to the judgment in Sarla Verma, Vs. Delhi Transport Corporation, 2009 (3) RCR (Civil) 77 which is explained later in Rajesh Vs. Rajbir and still later through decision in Munna Lal Jain Vs. Vipin Kumar Sharma, 2012 (6) SCC 421.

I would re-work the compensation and provide for a prospect of increase in income for a settled employment, apply a multiplier of 14 and provide Rs. 1,00,000/- as loss of consortium and another Rs. 1,00,000/- for the loss of love and affection for minor child. I add Rs. 50,000/- for the loss of estate and Rs. 25,000/- for funeral expenses. The total compensation comes to Rs. 14,60,512/-. The Tribunal has not granted any interest and allowed the benefit of only the liberty, for the Insurance Company to comply with the award within a period of two months to ward off liability for interest. It would appear that the Insurance Company deposited the money as directed and saved itself from the liability of interest. I find no particular justification for denying the interest when it is statutory in

character. I provide, therefore, also for interest which will be duly worked out from the date of the filing of the petition @ 6% upto the date when the deposit was made by the Insurance Company and after deducting the said amount of deposit, the balance of money will attract interest till the date of the payment @ 7.5%. Considering the fact, that the accident is of the year 1988, I do not think there is any need for retention of the same in any fixed deposit and as when it is deposited, the entire money is ordered to be distributed equally between the widow and the son. FAO No. 1069 of 2001 is allowed on the above terms.

FAO No. 1070 of 2001 is for the death of a student aged 12 years who is also a person belonging to the same family. The Court has allowed for a compensation of Rs. 1,00,000/-. Determination of compensation for child does not come with any mathematical precision and it would all depend on the status of the family and the expectation of the parents. The Court has, in an agricultural family provided for compensation of Rs. 4,80,000/- in Kishan Gopal and another Vs. Lala and others in AIR 2013 SC 2465. In this case, his father had been a Technical Assistant in a Government Corporation and I would reckon there ought to have been reasonable expectation of the appellants to contribute to the family, I would therefore provide for the compensation of Rs. 5,00,000/- and provide the same with interest to be drawn at 6% from the date of the petition till the date of payment. The award stands modified and the appeal is allowed.

In FAO No. 1071 of 2001, the appeal is with reference to assessment of compensation for injuries, which was assessed @ Rs.

1,17,772/-. The Tribunal has assessed all the heads of claim properly and even the counsel appearing on behalf of the appellant made no substantial case to advance to modify the award. The s vbnn+ame is confirmed and the appeal is dismissed.

(K.KANNAN)
JUDGE

12.08.2015

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