

THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO No. 1441 of 2001 (O&M)
Date of decision : 20.01.2015

Manjit Kaur and others

.....Appellants

Versus

Krishan Kumar and others

...Respondents

CORAM: HON'BLE MS. JUSTICE ANITA CHAUDHRY

1. Whether Reporters of the 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. Prateek Mahajan, Advocate
for the appellants

Mrs. Kulwant Kaur Kahlon, Advocate
for the respondents

ANITA CHAUDHRY, J.

This appeal has been filed by the appellants seeking enhancement of the compensation awarded by the Motor Accident Claims Tribunal, Amritsar vide award dated 21.08.2000.

The necessary relevant facts are stated hereunder to appreciate the case. Tarsem Singh aged 48 years was a Junior Auditor working with Government of Punjab and was drawing salary of ₹ 7440/-. He died in an accident which occurred on 20.01.1996. The Tribunal noticed that widow of the deceased was a teacher in a Government school. One of the sons was in Government service while the second son was a engineering student. The family dependency was taken at ₹ 5000/- p.m. and multiplier of 10 was

applied and an award of ₹ 6,00,000/- was passed.

The submission made on behalf of the appellants is that no addition had been given towards future prospects and considering the age of the deceased multiplier of 13 should have been allowed and no amount towards loss of love and affection or loss of consortium had been granted. Reliance was placed upon ***Kalpanaraj and others vs. Tamil Nadu State Transport Corporation, 2014 ACJ 1388, Kala Devi and others vs. Bhagwan Das Chauhan and others, 2014(4) RCR (Civil) 936, Kumari Kiran through her father Harinarayan vs. Sajjan Singh and others, 2014(4) RCR(Civil) 362 and Basappa vs. T. Ramesh, 2014(4) RCR (Civil) 662.***

The submission on the other hand was that accident had taken place in the year 1996 and while giving any increase that aspect should be considered. It was urged that in the postmortem report the age of the deceased was mentioned as 50 years and since the deceased was a Government employee proof regarding his age could have been given.

The appellants had pleaded that the deceased was 48 years old. In the postmortem report his age was mentioned as 50 years, therefore, the multiplier applicable should be 13. Since the exact date of birth has not been placed on record only an increase of 15% in the income can be added. It was for the claimants to produce the age certificate. If 15% increase is added to the salary, the income would come to ₹ 8,556/- per month. Deducting 1/4th towards personal expenses the amount available for the family would

be ₹ 6,417/-. The annual contribution would come to ₹ 77,004/- and applying the multiplier of 13 the compensation would come to ₹ 10,01,052/-. To this a sum of ₹ 5,000/- should be added on account of loss of love and affection and ₹ 5000/- is added on the heads of loss of consortium, making the total compensation to be ₹ 10,11,052/-. The Tribunal had allowed ₹ 6,00,000/-, which would be deducted and the remaining amount shall be paid by the respondents within two months, failing which the appellants would be entitled to this amount with interest @ 6% from the date of filing of the appeal till realization.

The appeal is partly allowed.

20.01.2015

reena

(ANITA CHAUDHRY)
JUDGE