

203.

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

FAO No.1799 of 2001 (O&M)

Date of decision: 20.11.2015

Raj Kaur and others

... Appellants

versus

Amrik Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Vishnu Godara, Advocate, for Mr. Sumeet Goel,
Advocate, for the appellants.

Mr. Lalit Garg, Advocate, for respondent No.5.

K.Kannan, J. (Oral)

1. The appeal is for enhancement of compensation for death of a male aged 45 years. He left behind a large family consisting of his widow, 3 sons of whom one was a minor, 2 daughters and his mother. The Tribunal assessed a compensation of ₹1,90,000/- for the accident that took place on 05.09.1997.

2. The scales of compensation have increased several times fold and there are fairly definite heads of claim and the choice of multiplier besides conventional heads of claim that have to be answered. In redetermining compensation, I have kept in mind the manner of assessment of compensation with a prospect of increase over a period of time and also take note of the conventional heads of claims but scale it down appropriately for the fact that the accident

had taken place even prior to 2000 when the liberal scales, that are now provided, were not available. I will take the average income considering the size of the family and the claimants' assertions that the deceased had 1 acre of land that his average income would have been at least ₹2,000/- and apply a prospect of 30% increase and take the total income as ₹2,690/-. I will provide for 1/5th deduction considering the fact that there were 7 dependents. I will provide for ₹50,000/- as loss of consortium to the wife and make a further provision of ₹2.5 lakhs for the loss of love and affection for the children and the mother. The several heads of claims are tabulated as under:-

Accident	05.09.1997		
Age	45		
Occupation	Agriculturalist		
Claimants	Wife	50,000	
	Heads of claim	Tribunal	High Court
Sr. No.		Amount (₹)	Amount (₹)
1.	Income	15,000	2,000
2.	Add, % of increase 30%		2,690
3.	Deduction 1/5		2,152
4.	Multiplicand		25,824
5.	Multiplier		14
6.	Loss of dependence		3,61,536
7.	Medical expenses		
8.	Loss of consortium		50,000
9.	Loss of love and affection		2,50,000
10.	Loss to estate		2,500
11.	Funeral expenses		5,000
	Total		6,69,036 rounded off to ₹6,70,000

There shall be an award of ₹6,70,000/- and the amount in excess over what has been determined already shall attract interest at 6% per annum from the date of petition till date of payment. The amount shall be distributed in such a way that the wife and children take twice as much as the mother of the deceased in the ratio of 2:2:2:2:2:2:1. The liability shall be in the same manner as determined by the Tribunal.

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

(K.KANNAN)
JUDGE

20.11.2015
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