

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

FAO No.4019 of 2001 (O&M)

Date of decision: 19.08.2015

Santosh and others

... Appellants

versus

Krishan and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Krishan Singh, Advocate,
for the appellants.

Mr. Dheeraj Narula, Advocate,
for respondent No.2.

Mr. Paul S. Saini, Advocate,
for respondent No.3.

Mr. R.N. Singal, Advocate,
for respondent No.6.

K.Kannan, J. (Oral)

1. The appeal is for enhancement of compensation for death of a male, aged 35 years in a motor accident that took place on 15.10.1999. The deceased was said to be engaged in dairy farming and supporting a family of widow, 3 minor sons, 2 daughters and his mother. It was stated by the widow that her husband used to earn ₹6,000/- to ₹7,000/- The Tribunal took the income to be ₹1,800/-, applied a multiplier of 17, assessed ₹10,000/- towards loss of love and affection, loss of consortium and funeral expenses and assessed a compensation of ₹2,54,800/-. In a case where the deceased was supporting a family of 7 persons even in the year 1999, it would be

inconceivable that he would have earned ₹1,800/- per month. If he was saying that he was earning ₹6,000 to ₹7,000/-, I will scale down the assessment at ₹2,500/-, provide for what he would have earned over a period of time with the prospect of increase at 50% and take the average income at ₹3,750/-. I will apply a deduction at 1/5th and adopt a multiplier of 16. Since the accident had taken place prior to 2000, I will scale down the amount of loss of love and affection to ₹50,000/- per minor child since the interest component will itself take care of what is being provided now as ₹1 lakh for a child. I will, however, provide for ₹1 lakh for loss of consortium to the wife and tabulate them as under:-

Accident	15.10.1999		
Age	35		
Occupation	Dairy Farming		
Claimants	Widow, 3 minor sons, 2 daughters and mother	6-7,000/-	
	Heads of claim	Tribunal	High Court
Sr. No.		Amount (₹)	Amount (₹)
1.	Income	1,800	2,500
2.	Add, % of increase 30%/50%		3,750
3.	Deduction ½, 1/3, ¼, 1/5		3,000
4.	Multiplicand		36,000
5.	Multiplier	17	16
6.	Loss of dependence		5,76,000
7.	Medical expenses		
8.	Loss of consortium		1,00,000
9.	Loss of love and affection (5 children @ ₹50,000)		2,50,000
10.	Loss to estate		2,500
11.	Funeral expenses		5,000
	Total	2,54,800	9,33,500

There shall be an award of ₹9,33,500/-.

2. The amount in excess of what has been already awarded by the Tribunal will attract interest at 6% per annum from the date of petition till date of payment.
3. The award stands modified and the appeal is allowed to the above extent.

(K.KANNAN)
JUDGE

19.08.2015
sanjeev