

**Sr. No.457  
IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

**FAO No.3121 of 2003  
Date of Decision.26.08.2015**

Gulab Kaur and others .....Appellants

Versus

Gurjant Singh and others .....Respondents

**CORAM: HON'BLE MR. JUSTICE K. KANNAN**

Present: Mr. Ashok Jindal, Advocate,  
for the appellants.

Mr. Pardeep Goyal, Advocate  
for respondent No.3-Oriental Insurance Co. Ltd.

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**K. KANNAN J. (ORAL)**

The appeal is for enhancement of claim of compensation for death of male aged 30 years in a motor accident that took place on 31.08.2001. The claimants were his parents, widow and two minor children. The Tribunal took the income at Rs. 3000/- per month and assessed the compensation of Rs. 3,84,000/-. Considering the fact that the deceased was an agriculturist, having 19 killas of land and was also said to be selling milk and his own income would have escalated over a period of time, I would take an average income of Rs.4,500/- per month and make a deduction of 1/4<sup>th</sup> for personal expenses. I will make an increase in the heads of loss of consortium and loss of love and affection of Rs.1,00,000/- to both parents and of Rs. 1 lac to each child as per decisions of the Supreme Court. I will restrict the rate of interest at 6 percent and tabulate the various heads as under:

|            |                                       |                 |                   |
|------------|---------------------------------------|-----------------|-------------------|
| Accident   | <i>31.08.2001</i>                     |                 |                   |
| Age        | <i>30</i>                             |                 |                   |
| Occupation | Agriculturist and dairy farming       |                 |                   |
| Claimants  | Widow, two minor children and parents |                 |                   |
|            | Heads of claim                        | <b>Tribunal</b> | <b>High Court</b> |
| Sr. No.    |                                       | Amount (₹)      | Amount (₹)        |
| 1.         | Income                                |                 | 4500/-            |
| 2.         | Add,% of increase 30%/50%             |                 |                   |
| 3.         | Deduction ½, 1/3, ¼, 1/5              |                 | 3375              |
| 4.         | Multiplicand                          |                 | 40500             |
| 5.         | Multiplier                            |                 | 17                |
| 6.         | Loss of dependence                    |                 | 688500            |
| 7.         | Medical expenses                      |                 |                   |
| 8.         | Loss of consortium                    |                 | 1,00,000          |
| 9.         | Loss of love and affection            |                 | 3,00,000          |
| 10.        | Loss to estate                        |                 | 5000              |
| 11.        | Funeral expenses                      |                 | 5000              |
|            | Total                                 | 3,84,000        | 9,98,500          |

The total compensation is Rs. 9,98,500/- but I round it off to Rs.10 lakhs. The amount in excess of what has been assessed already by the Tribunal will attract interest @6% p.a. from the date of petition till the date of payment. The amount will be distributed between the widow, two children, and father and mother in the ratio of 2:2:2:1:1. The liability shall be in the same manner as already assessed by the Tribunal.

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

(K. KANNAN)  
JUDGE

August 26, 2015  
vandana