

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.82 of 2004

Date of Decision.10.08.2015

Krishan Lal Sharma

.....Appellant

Versus

Jarnail Singh and others

.....Respondents

2. FAO No.95 of 2004

Krishan Lal Sharma

.....Appellant

Versus

Jarnail Singh and others

.....Respondents

Present: Mr. Inderjit Sharma, Advocate
for the appellant.

Mr. Naveen Kapoor, Advocate
for the insurance company.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of 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?

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K. KANNAN J. (ORAL)

1. Both these cases arise out of the same accident. The appeal in FAO No.82 of 2004 is for death of a woman aged 55 years where the claimant was husband and the appeal in FAO No.95 of 2004 is for injury sustained in an accident for a male aged 63 years said to be working in a hotel. Both these appeals are for enhancement of compensation.

2. In the case of death, the lady was 55 years of age and the Tribunal has provided for ₹ 15,000/- towards loss of love and affection,

₹ 25,000/- towards loss to estate to provide for a compensation of ₹ 40,000/-. The counsel appearing on behalf of the insurance company states, in response to the plea by the claimant that the compensation shall be ₹ 5 lacs at least, that at the relevant time the value of services taken was not more than ₹ 2,000/- and could be provided with a multiplier of 11. I take the same as appropriate and work out the loss of value of services of housewife to husband at ₹ 2000/- and apply a multiplier of 11. The loss of value of services would come to ₹ 2,64,000/-. I will provide ₹ 50,000/- as loss of consortium and retain ₹ 25,000/- as taken towards loss to estate and find the total compensation payable at ₹ 3,39,000/-. The additional amount of compensation over what has already been provided by the Tribunal will attract interest @7.5% from the date of petition till the date of payment. The liability shall be on the insurance company.

3. The award passed by the Tribunal is modified and the appeal in FAO No.82 of 2004 is allowed to the above extent.

4. In the appeal in FAO No.95 of 2004, the claimant was said to be working in a hotel and after the injury resulted in fracture of the lumber region L1 and L2, the doctor had certified that he had suffered 15% disability and his movements had been slightly impaired. The Tribunal has provided for ₹ 30,000/- as disability which I think is appropriate and fair. The Tribunal has allowed for pain and suffering at ₹ 5,000/- which I will increase to ₹ 15,000/- and I will take the loss of income also at ₹ 10,000/-. I will also provide for loss of earning capacity at ₹ 2500/- by taking the income at ₹ 1,000/- per month. I will retain medical expenses of ₹ 14,384/- as assessed by the Tribunal. The

total compensation payable shall be ₹ 71,884/-. The amount in excess over what has already been provided by the Tribunal shall attract interest @7.5% from the date of petition till the date of payment. The liability shall be on the insurance company.

5. The award passed by the Tribunal shall stand modified and the appeal in FAO No.95 of 2004 is allowed to the above extent.

(K. KANNAN)
JUDGE

August 10, 2015
Pankaj*