

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

FAO No.722 of 2002 (O&M)

Date of decision: 14.10.2015

Chabbi Lal

... Appellant

versus

Pepsu Roadways Transport Corporation, Patiala, and others.

.... Respondents

II. FAO No.2703 of 2000 (O&M)

Meena Rani

... Appellant

versus

Pepsu Roadways Transport Corporation, Patiala, and others.

.... Respondents

III. FAO No.2704 of 2000 (O&M)

Fursi and another

... Appellants

versus

Pepsu Roadways Transport Corporation, Patiala, and others.

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Sanjiv Gupta, Advocate,
for the appellants.

Mr. R.K.S. Brar, Advocate,
for the respondent-PRTC in FAO Nos.2703 and 2704 of
2000.

Mr. Kuldeep Joshi, Advocate,
for Mr. Harsh Aggarwal, Advocate,
for the respondent-PRTC in FAO No.722 of 2002.

K.Kannan, J. (Oral)

1. All these appeals are connected. FAO No.722 of 2002 is a claim for damages for injuries suffered in a motor accident. He had a fracture in the jaw bone and he was admitted in the hospital on the date of the accident on 09.12.1997 and discharged on 17.12.1997. The treatment was at the government hospital. The doctor was examined to say that after the treatment, there was no resultant disability to him. The court has assessed a compensation of ₹25,000/-, which I believe is adequate, for, the component of pain and suffering which I will assess for surgical intervention and for pain at ₹10,000/-, for hospitalization at ₹5,000/-, attendant charges at ₹2,500/- and transportation charges at ₹2,500/-. The amount assessed at ₹25,000/- would even exceed to the assessment which I make under the relevant heads and I find no cause for intervention in appeal. The appeal in FAO No.722 of 2002 is dismissed.

2. The appeal in FAO No.2703 of 2000 is for death of a person, who was aged 14 years. The claimants were parents. The court had assessed a compensation of ₹ 1 lakh. The accident had taken place prior to 2000. The scales of compensation in the recent years have increased providing for loss of love and affection and the expectations of the parents for contribution to the family. Instead of ₹ 1 lakh as assessed, I would even assess that compensation of ₹2.5 lakhs under all the relevant heads would be appropriate and the

additional compensation shall also make possible a claim for interest @7.5% per annum from the date of petition till date of payment. The liability shall be in the same manner as determined already by the court below. The award stands modified and the appeal in FAO No.2703 of 2000 is allowed to the above extent.

3. The appeal in FAO No.2704 of 2000 is for death of a male, aged 18 years. He was said to be a labourer. I will take the average income at ₹3,000/- considering that the death was prior to 2000 and adopt a deduction of 50% and apply a multiplier of 18, providing a loss of love and affection for both the parents to be ₹ 1 lakh and tabulate the various heads as under:-

Accident	09.12.1997		
Age	18		
Occupation	Labourer		
Claimants	Parents		
	Heads of claim	Tribunal	High Court
Sr. No.		Amount (₹)	Amount (₹)
1.	Income		3,000
2.	Add,% of increase 30%/50%		
3.	Deduction ½, 1/3, ¼, 1/5		1,500
4.	Multiplicand		18,000
5.	Multiplier		18
6.	Loss of dependence		3,24,000
7.	Medical expenses		
8.	Loss of consortium		
9.	Loss of love and affection		1,00,000
10.	Loss to estate		2,500
11.	Funeral expenses		5,000
	Total	1.5 laks	4,31,500

There shall be an award of ₹4,31,500/-.

4. The additional amount of compensation will attract interest at 7.5% per annum from the date of petition till date of payment. The amount will be distributed equally amongst the parents.

5. The award stands modified and the appeal in FAO No.2704 of 2000 is allowed to the above extent.

(K.KANNAN)
JUDGE

14.10.2015
sanjeev