

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.476 of 2005

Date of Decision:- 20.03.2015.

Kiran Devi and others

.....Appellants

Versus

Ambika Parsad and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. S.S. Garg, Advocate for the appellants.

Mr. R.N. Singal, Advocate for respondent No.3.

SHEKHER DHAWAN, J. (ORAL)

Present appeal is challenge to the award dated 27.11.2004, whereby, the Tribunal i.e. Motor Accidents Claims Tribunal, Faridabad awarded compensation of ₹ 2,72,000/- on account of death of Bijender alias Guddu Pandey who died in motor vehicular accident which took place on 02.09.2003. Claimants have prayed that they have not been awarded just compensation as the income of the deceased has been taken on the lower side and multiplier has also not been applied correctly as per law. 'The Tribunal' has also not awarded adequate amount on account of loss of consortium though one of the claimants is widow of the deceased and his children. No amount has been awarded on account of

transportation and funeral expenses.

Learned Counsel for the respondent took the plea that just compensation has already been awarded by 'The Tribunal' and the present appeal deserves dismissal.

Taking the case from the admitted facts and there being no dispute that Bijender alias Guddu Pandey died as a result of motor vehicular accident leaving behind appellants as LR's. He was of the age of 28 years. The Tribunal has rightly taken the income of the deceased to be ₹ 2,100/- keeping in view the price index as was prevalent in 2003 and on the basis of that after deducting 1/3rd on account of self dependency, the actual loss of income to the claimants comes to ₹ 16,800/- (1400 x 12). However, the multiplier has not been correctly applied by 'The Tribunal' and the same is to be taken to be 17 as per law laid down by the Hon'ble Apex Court in **Sarla Verma and others Vs. Delhi Transport Corporation and another** 2009(3) RCR (Civil) 77 and the amount of compensation comes to ₹ 2,85,600/-. Claimants have not been adequately compensated on account of loss of consortium though one of the claimant is widow of the deceased. The same assessed to be ₹ 50,000/- as the accident took place in 2003. Funeral expenses and Transport Expenses assessed to be ₹ 15,000/- and the total amount comes to ₹ 3,50,600/-

Accordingly, the present appeal is partly accepted and amount of compensation enhanced to ₹ 3,50,600/- (2,85,000/- +

50,000 + 15,000) in lieu of ₹ 2,72,000/- awarded by the Tribunal. The remaining conditions regarding rate of interest, disbursal of the amount shall remain unaltered.

(SHEKHER DHAWAN)
JUDGE

March 20, 2015.

sandeep sethi