

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

FAO No.1922 of 2006 (O&M)

Date of decision: 19.08.2015

Jai Parkash Sharma (deceased, through his LRs) ... Appellant

versus

Shri Karnail Singh and others Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Shekhar Mudgal, Advocate,
for the appellant.

Mr. Ashwani Talwar, Advocate,
for the Insurance Company

K.Kannan, J. (*Oral*)

1. The appeal is for enhancement of compensation for death of a male, aged 31 years, in a motor accident that took place on 18.05.2002. He was said to have established a *dhaba* and the stated income as per the petition was that he was earning ₹10,000/- per month, the Tribunal took an annual income at ₹50,000/- and assessed a total compensation of ₹2,70,000/-.

2. I would find, with no document produced, the Tribunal was reasonable to assume that he was earning ₹50,000/- per year. I will make a very modest increase of the amount and take it as ₹60,000/- on an average, providing for a reasonable prospect of increase, adopt a deduction of ½ for personal expenses and apply a

multiplier of 16 and also add ₹1 lakh for both the parents for loss of love and affection and provide for loss to estate and funeral expenses and tabulate them as under:-

Accident	18.05.2002		
Age	31		
Occupation	Dhaba		
Claimants	Father, mother and parents	50,000	
	Heads of claim	Tribunal	High Court
Sr. No.		Amount (₹)	Amount (₹)
1.	Income		
2.	Add, % of increase 30%/50%		60,000
3.	Deduction ½, 1/3, ¼, 1/5		30,000
4.	Multiplicand	50,000	30,000
5.	Multiplier		16
6.	Loss of dependence		4,80,000
7.	Medical expenses		
8.	Loss of consortium		
9.	Loss of love and affection		1,00,000
10.	Loss to estate		10,000
11.	Funeral expenses		10,000
	Total	2,70,000	6,00,000

There shall be an award of ₹6 lakhs. The additional amount of compensation will attract interest at 7.5% per annum from the date of petition till date of payment. The liability shall be, as assessed already, on the Insurance Company.

3. In this case, the brother of the deceased has also been cited as a claimant on his elder brother. The parents were 60 years and 57 years of age at the time of death and the younger brother was 25 years of age.
4. The first appellant is reported to have died during the pendency of the proceedings. If the younger will also figure as a

legal heir to the estate and, therefore, in the manner of disbursement,
I will allow for ₹1,50,000/- to the brother and rest of the amount of
₹4,50,000/- to the mother.

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

(K.KANNAN)
JUDGE

19.08.2015
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