

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

FAO No.193 of 2006 (O&M)

Date of decision: 31.10.2015

St. Gurcharan Kaur and others

... Appellants

versus

Devi Charan and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Rajesh Moudgil, Advocate, for the appellants.

Mr. Neeraj Khanna, Advocate, for respondent No.3.

K.Kannan, J. (*Oral*)

1. The appeal is for enhancement of claim for compensation for death of a male, aged 52 years, in a motor accident that took place on 07.03.2004. The claimants were widow and two children. The deceased was said to be running a small scale industry and the witness from the department of industry gave evidence about the licence that he had. The plaintiff had filed income tax returns for 2 years prior to his death showing his income less tax ₹58,090/- and ₹49,746/-. The court took the average income at ₹3,000/-, discarding the documentary evidence and assessed a compensation of ₹1,88,000/-.

2. I find the compensation assessed to be grossly deficient and without reference to the documents filed, I rework the compensation and provide for the average of his income for 2 years prior to his death as borne out in records and also grant

compensation of ₹1 lakh for loss of consortium and ₹1 lakh each for the 2 children for loss of love and affection. The various heads of claims are tabulated as under:-

Accident	07.03.2004		
Age	52		
Occupation			
Claimants			
	Heads of claim	Tribunal	High Court
Sr. No.		Amount (₹)	Amount (₹)
1.	Income		54,000
2.	Add,% of increase 30%/50%		
3.	Deduction ½, 1/3, ¼, 1/5		36,000
4.	Multiplicand		36,000
5.	Multiplier		11
6.	Loss of dependence		3,96,000
7.	Medical expenses		
8.	Loss of consortium		1,00,000
9.	Loss of love and affection		2,00,000
10.	Loss to estate		5,000
11.	Funeral expenses		10,000
	Total	1,88,000	7,11,000

There shall be an award of ₹7,11,000/- and 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 on the insurer as already assessed. The amount determined will be equally distributed amongst all the claimants.

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

(K.KANNAN)
JUDGE

31.10.2015
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