IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.780 of 2006 (O&M)
Date of Decision: February 06, 2015

Paramjit Kaur and another

..Appellant(s)

Versus

Rajinder Kumar and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE ANITA CHAUDHRY

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the digest? Yes

Present: Mr. Arvind Kashya, Advocate
for the appellant(s).

Mr. Abhishek Goyal, Advocate for
Mr. Pardeep Goyal, Advocate
for respondent no.3.

*****

ANITA CHAUDHRY, J.

1. This is the claimants' appeal seeking enhancement in the award as the Tribunal had not taken the salary certificate into account. The submission was that the salary was shown as Rs.4,500/- per month and the deceased was getting bonus of Rs.8.33% every year which should have been added. It was urged that the Tribunal had applied the multiplier of 12 which should have been 15 as the deceased was 35 years old. It was contended that the Tribunal had failed to award any amount on the head of loss of estate, love & affection and funeral expenses.

4. The record of this case had been burnt in fire incident and only photocopy of the award is available on the case file. The counsel for both the parties had stated that they had no objection if the matter was decided on the basis of record available.

5. The counsel for the appellant had placed on record copy of certificate Ex.C1 which was considered by the Tribunal. The salary register had also been produced before it. The Tribunal considered the income of the deceased to be Rs.3,506/- per month which was the carry home salary in May, 2000. The total salary should have been taken into account. The deceased was getting salary of Rs.4,500/- per month and his annual income was Rs.54,000/- + bonus of Rs.3,998/- = Rs.57,998/- per annum. Taking this salary and making deduction of 1/3rd, the amount available for the family would be Rs.38,660/- per annum. After applying the multiplier of 15, the compensation would come to Rs.5,79,990/-. Considering the year of death, a sum of Rs.10,000/- should be added as funeral expenses, a sum of Rs.25,000/- is added for loss of estate and a sum of Rs.25,000/- is added as loss of love and affection; raising the total to Rs.6,39,990/-. The Tribunal had awarded a sum of Rs.3,32,000/-, which would be deducted and the remaining amount would be shared by the appellants in the same ratio as awarded by the Tribunal. The amount would be paid within two months, failing which the appellants would be entitled to interest @ 6% from the date

of filing of appeal till realization.

The appeal is partly allowed.

(ANITA CHAUDHRY)
JUDGE

February 06, 2015
sunil