

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

**FAO No. 911 of 2006
Date of Decision:-20.7.2015**

Mst.Raveena Begam and others

.....Appellants

Versus

Baldev Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

1. Whether Reporters of local papers may be allowed to see the judgment? Yes
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest? Yes

Present: Mr.Vishwajeet Singh, Advocate for
Mr.R.K.Trikha, Advocate for the appellants.

Mr.B.S.Sra, Additional AG Punjab for respondent Nos.3 and 4.

Mr.Suvir Diwan, Advocate for respondent No.5.

SHEKHER DHAWAN, J (Oral).

The present appeal is challenge to award dated 26.10.2005, whereby 'The Tribunal' awarded compensation of ₹ 2 lacs on account of death of Sukhdip Kapur. Learned counsel for appellants took the plea that 'The Tribunal' has not taken into consideration that multiplier in this case should have been 17 instead of 16, as per law laid down by Hon'ble Supreme Court in case **Sarla Verma and others Vs. Delhi Transport Corporation and another**, 2009(3) RCR (Civil) 77. Moreso, 'The Tribunal' has not awarded any compensation on account of future expenses, loss of consortium for the widow and love & affection for two minor children and only a meagre amount has been awarded on account of funeral expenses. So, amount of compensation be enhanced suitably. Learned counsel for

respondents took the plea that 'The Tribunal' has already awarded adequate compensation and as such, appeal deserves to be dismissed.

2. Having considered the rival contentions raised by learned counsel for both the parties and taking the case from admitted facts, as the same are. Sukhdip Kapur died in a motor vehicular accident and was survived by a widow, two minor children and father. The Tribunal awarded compensation taking income of deceased to be ₹ 3000/- p.m. The Tribunal has not applied correct multiplier because it should be 17 as the deceased was of the age of 28 years and was a married person. Rather, the Tribunal has applied multiplier of 16 and the same requires to be modified, in view of law laid down by Hon'ble Apex Court in Sarla Verma's case (supra). The Tribunal has also not taken into consideration that the deceased was of the age of 28 years and with the passage of time his income was to increase and claimants were entitled to enhancement on account of enhanced future earnings as well. The Tribunal has also not awarded any amount on account of loss of consortium for the widow and loss of love & affection for two minor sons. Funeral expenses should have been awarded at least ₹ 25000/- as per law laid down by the Hon'ble Supreme Court in Sarla Verma's case (supra). Accordingly, the amount of compensation re-assessed as under:-

Monthly income	₹ 3000/-
50% added towards future prospects	₹ 1500/-
Total monthly income	₹ 4500/-
1/3 rd deducted as personal expenses	₹ 1500/-
Monthly dependency	₹ 3000/-
Annual dependency	₹ 36000/-
After applying multiplier of 17	₹ 36000 x 17= 6,12,000/-
Loss of consortium	₹ 1,00,000/-
Loss of love & affection for two minor children	₹ 2,00,000

Funeral expenses	₹ 25000/-
Total enhanced compensation	₹ 9,37,000/-
After 50% deduction on account of contributory negligence	₹ 4,68,500/-
Compensation awarded by Tribunal	₹ 2,00,000/-
Enhanced compensation	₹ 2,68,500/-

3. The enhanced compensation comes to ₹ 2,68,500/- and the same shall be payable by respondent No.5 i.e. New India Assurance Company Ltd. along with interest at the rate of 7.5% p.a. from the date of claim petition.

4. Accordingly, the appeal is partly accepted.

(SHEKHER DHAWAN)
JUDGE

20.7.2015
AS