

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

FAO No. 1163 of 2009 (O&M)

Date of decision: 28.08.2015

Vanita and others

... Appellants

versus

Anil Kumar and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Karan Singh, Advocate for the appellants.

Mr. Sukhdarshan Singh, Advocate for respondent No.3.

K.Kannan, J.

The appeal is for enhancement of compensation for death of a male aged 25 years 8 months. The deceased was said to be a truck driver and the owner of the vehicle gave evidence that he used to pay salary of Rs. 4,500 to him and also pay Rs. 3,000/- as allowance. The Court took the income @ Rs. 3,000/- and adopted a multiplier of 16 and after providing conventional heads assessed the compensation @ Rs. 4,42,000/-.

Although there was evidence that the deceased had a licence to drive a truck, it seemed artificial that the owner would pay Rs. 4,500/- as salary and Rs. 3,000/- as allowance, I will take Rs. 4,500/- salary to be his basic income making a provision of prospect of increase @ % and

after making a deduction of $1/3^{\text{rd}}$ for personal expenses apply a multiplier of 17 and rework the compensation, providing for Rs. 1,00,000/- towards loss of consortium and Rs. 1,00,000/- towards loss of love and affection to the parents. Several heads of claim are tabulated as; Rs. 5,000/- for the loss to estate, Rs. 25,000/- for funeral expenses, the total compensation will be Rs. 11,48,000/- and the amount in excess of what has been awarded shall attract interest @ 9% from the date of the petition till the date of payment. Since the claim is by the appellant along with widow, I will provide for a larger slice of compensation for a young widow and provide for a distribution of the amount in the ratio of 3:1:1.

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

(K.KANNAN)
JUDGE

28.08.2015

kv