

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

FAO No. 4695 of 2008 (O&M)

Date of decision: September 2, 2015

Harbhajan Kaur and another

...Appellants

Versus

Shyam Kishore Mandal and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE K. KANNAN

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

Present: Ms. Amandeep Kaur, Advocate,
for the appellants.

Mr. Ram Avtar, Advocate,
for respondent No.3.

K. KANNAN, J. (Oral)

1. The appeal is for enhancement of compensation for the death of a male aged 20 years. He was said to be assisting his father as a mason and earning ₹8,000/- per month. The claimants were the parents. The Tribunal took the average income ₹120/- per day and after providing conventional heads granted compensation of ₹2,64,200/-.

2. I will take the average income after making provisions for a prospective increase of ₹5,000/- per month and re-work the compensation also providing for loss of love and affection of ₹1 lakh for each parent, funeral expenses and loss to estate. Several heads of compensation are tabulated as under:-

<i>Fatal Accident</i>		<i>Date of accident</i>	
Age	20	1.5.2004	
Occupation	Mason	8000	
Claimants:	Parents		
	Heads of claim	Tribunal	High Court
Sr. No.		Amount (₹)	Amount (₹)
1	Income	3600	3600
2	Add, % of increase		5000
3	Deduction	1/2	2500
4	Multiplicand	1800x12=21600	30,000
5	Multiplier	12	18
6	Loss of dependence	21,600x12=2,59,200	5,40,000
7	Medical expenses		
8	Loss of Consortium		
9.	Loss of love and affection for parents		2,00,000
10	Loss to estate	2500	5,000
11	Funeral Expenses	2500	25,000
	Total	2,69,200	7,70,000

The total compensation payable shall be ₹ 7,70,00/- and the amount in excess over what was awarded will also attract interest @7.5% from the date of the petition till the date of payment. The liability shall be on the insurance company. There shall be right of recovery against the owner and the driver in the manner already provided by the decision of the Tribunal. They already remained ex-parte and notice to them is dispensed with before this court.

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

September 2, 2015
prem

(K.KANNAN)
JUDGE