

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No.2594 of 2009 (O&M)

Date of decision:16.09.2015

Bimla Devi and others

... Appellants

versus

Rangeela Ram and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Ashwani Arora, Advocate,
for the appellant.

Mr. Lalit Garg, Advocate,
for respondent No.3.

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

K.Kannan, J. (Oral)

1. The appeal is for enhancement of claim for compensation for death of a male, aged 44 years. He was an employee in the court establishment and on his death in the accident on 24.04.2006, the claim petition had been filed at the instance of his widow, two minor children aged 13 and 11 and the mother. The court had assessed a compensation of ₹ 6,60,000/-. The scales of compensation have altered substantially in the judgment in **Rajesh Versus Rajbir Singh-2013(9) SCC 54** and the subsequent decisions relating to the assessment of loss of love and affection, loss of

consortium and funeral expenses. I will rework the compensation in the present case by taking the revised salary and applying the multiplier of 14 on the basis of judgment in **Sarla Verma Versus Delhi Transport Corporation and another-2009(6) SCC 121**. The several heads of claims are tabulated as under:-

Accident	24.04.2006		
Age	44 years		
Occupation			
Claimants			
	Heads of claim	Tribunal	High Court
Sr. No.		Amount (₹)	Amount (₹)
1.	Income		9,327
2.	Add,% of increase 30%/50%		12,125.10
3.	Deduction ½, 1/3, ¼, 1/5		9,093.82
4.	Multiplicand		1,09,125.90
5.	Multiplier		14
6.	Loss of dependence		15,27,762.60
7.	Medical expenses		
8.	Loss of consortium		1,00,000
9.	Loss of love and affection		1,50,000
10.	Loss to estate		10,000
11.	Funeral expenses		25,000
	Total		18,12,762.60

The total compensation shall be ₹ 18,12,762.60 which I round off to ₹18,12,800/-. During the pendency of appeal, one of the claimants had died and the amount will fall to be distributed amongst the surviving widow, daughter and the mother of the deceased in such a way that the widow and child take twice as much as the mother in the ratio of 2:2:1. The additional benefit is on account of the fact that the mother of the deceased minor son who was one of the claimants shall be the widow and that the amount shall also be paid

to the claimants 1 and 2 only. In the manner of distribution of compensation, the additional amount will also attract interest at 9% from the date of petition till date of payment. The mother of the deceased would be entitled to withdraw the whole of the amount as ordered. As regards the widow's share, 60% of the amount will be permitted to be withdrawn and the remaining 40% shall be kept in deposit by splitting it into 6 portions, the first portion for a period of 1 year and second portion for a period of 2 years and so on upto 6 years. As regards the share of 2nd petitioner, she must have also become a major and her share in the amount shall be disbursed to her to the extent of 75% and the remaining 25% shall be split into 3 portions, the first portion for a period of 1 year, the 2nd for a period of 2 years and 3rd portion for a period of 3 years. The deposit shall be held in a nationalized bank on non-cumulative interest for each slab of investment basis and the amounts shall be disbursed to the parties directly by crediting them in their accounts in the names of the respective claimants.

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

(K.KANNAN)
JUDGE

16.09.2015
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