

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

FAO No.4866 of 2009 (O&M)

Date of decision:02.09.2015

Banwari Lal

... Appellant

versus

Sandeep Kumar and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Madhu Ranjan, Advocate,
for the appellant.

Mr. Vinod Gupta, Advocate,
for respondent No.3.

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

K.Kannan, J. (Oral)

CM No.18209-CI of 2015

Application is allowed, as prayed for. Annexure P-1 is taken on record.

FAO No.4866 of 2009

1. The appeal is for enhancement of claim for compensation for death of a male, aged 18 years, who was a student studying B.Tech course. The Tribunal assessed a compensation of ₹ 1,60,000/-. The claimant was the father.

2. The scales of compensation have gone up very high and what was originally thought of to be conventional sums have become larger amounts than the extent of dependency that is normally assessed. Theory of multiplier itself has undergone a whole change. A multiplier which is to represent the number of years' purchase to make possible for a yield as a corpus that will secure a return of investment in a stable economy has now undergone a change in understanding that even apart from what a claimant could obtain by way of return during his lifetime which would be for the number of years that he would be alive to receive, it has been authoritatively held that it is the age of the deceased which will prevail to determine the multiplier. All these dispensations are only to secure a homogeneous approach and remove the element of arbitrariness. At a more philosophical level, it could be understood that life is precious and priceless and it will be difficult to assess even a monetary compensation. The court that determines compensation accommodates conflicting interests and tries to secure some reparation which in the very scheme of things could be only monetary compensation and not words of sympathy. The idea is that money can purchase peace, if it ever happens.

3. I take stock of the existing trends and provide for compensation and tabulate the various heads as under. In so doing, I am applying the principle laid down in **Ashvinbhai Jayantilal Modi**

Versus Ramkaran Ramchandra Sharma and another-2015 (2)

SCC 180 and if a prospect of income for a MBBS student could be ₹ 25,000/-, I cannot believe for a B.Tech. Student it could be anything less than ₹10,000/-. I will, therefore, take the average income at ₹10,000/- and apply a multiplier of 18 as contemplated in the judgment in **Munna Lal Jain and another Versus Vipin Kumar Sharma and others-(2015) 6 SCC 347** that it is the age of the deceased that will be relevant and not the age of the parent which will be supported. There is a component of love and affection for the parent as held in **Rajesh Versus Rajbir-2013 (9) SCC 54** and assessed the compensation as under:-

Age	18		
Occupation	B.Tech. student		
Claimants	Father		
	Heads of claim	Tribunal	High Court
Sr. No.		Amount (₹)	Amount (₹)
1.	Income		10,000
2.	Add,% of increase 30%/50%		
3.	Deduction ½, 1/3, ¼, 1/5		5,000
4.	Multiplicand		60,000
5.	Multiplier		18
6.	Loss of dependence		10,80,000
7.	Medical expenses		
8.	Loss of consortium		
9.	Loss of love and affection		1,00,000
10.	Loss to estate		10,000
11.	Funeral expenses		25,000
	Total	1,60,000	12,15,000

There shall be an award of ₹ 12,15,000/-

4. The additional amount of compensation over what was

already awarded by the Tribunal will attract interest at 9% as held in **Jitendra Khimshankar Trivedi and others Versus Kasam Daud Kumbhar and others-2015(4) SCC 237** which will be payable from the date of petition till date of payment.

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

(K.KANNAN)
JUDGE

02.09.2015
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