

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.5809 of 2010 (O&M)
Date of Decision:29.09.2015

Sushila and others

....Appellants

Versus

Saleem and others

....Respondents

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. Tara Chand Dhnwal, Advocate for the appellants.

Mr. Subhash Goyal, Advocate for respondent No.3-
Bajaj Allianz General Insurance Company.

NAVITA SINGH, J.

1. The appellants filed the appeal for enhancement of the compensation awarded for the death of Bahadur Singh who died in an accident which took place on 1.10.2007. The amount awarded was Rs.5,50,000/-.

2. Counsel for the appellants contended that the multiplier was not rightly applied as the age of the deceased was 41 years. Deduction should have been made for personal expenses to the extent of 25%. Amount awarded to the widow for loss of consortium was only Rs.5000/-, for funeral expenses also Rs.5000/-, but nothing was given to the children for loss of love and affection.

3. Counsel for the Insurance Company, however, argued that the income was taken correctly and the multiplier as per Sarla Verma came to be 14 but the Tribunal already applied a multiplier of 15.

4. So far as the expenditure on self is concerned, deduction would be to the extent of $\frac{1}{4}^{\text{th}}$, however, multiplier of 14 should have been applied. The compensation on account of income of the deceased, which was taken to be Rs.4500/- per month, would, therefore, be Rs.5,67,000/-. An amount of Rs.5000/- was awarded for funeral expenses, which need not be enhanced as the accident took place in the year 2007. Amount awarded to the widow for loss of consortium

is given as Rs.1,00,000/- and similar amount is given for love and affection to appellants No.3 and 4, who were minor at the relevant time, to be shared equally by them. The total compensation would, therefore, come to Rs.7,67,000/-. Enhanced amount shall fetch interest @ 6% per annum.

5. The appeal is disposed of in the above terms.

**(NAVITA SINGH)
JUDGE**

29.09.2015
Ishwar

Whether to be referred to reporter: No