

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

FAO No. 1874 of 2012 (O&M)

Date of decision: 25.08.2015

Laxmi Devi and another

... Appellants

versus

Gurmeet Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Sanjiv Gupta, Advocate with
Mr. Gaurav Singla, Advocate for the appellants.

Mr. Neeraj Khanna, Advocate for
Mr. Ravinder Arora, Advocate for respondent No.3.

K.Kannan, J.

CM-7845-CII-2012

For the reasons mentioned in the application, delay of 61 days in filing the appeal is condoned.

CM is disposed of.

Main Case

The appeal is for enhancement of compensation for death of a male aged 54 years in an accident that took place on 31.10.2009. The deceased was a Baildar in Government undertaking drawing a salary of Rs. 13,892/- per month. The claimants were be widow and a married daughter. The Tribunal has provided for Rs. 1,00,000/- amount as

compensation and made a deduction of the amount that was being paid to the family in terms of the Compassionate Scheme announced by the State that the legal representative of the deceased employee who died in job will draw the same salary which is drawn at the time of death till the time of superannuation and justified the amount of Rs.1,00,000/- as adequate compensation. It has been held in FAO No. 1322 of 2010, Reliance General Insurance Company Limited Vs. Purnima and others, decided on 21.12.2012, that no such deduction is possible. A married daughter is still heir at law who takes the benefit of the estate of father and she cannot be denied the compensation in the manner in which it has been done by the Tribunal. If a daughter has been married of, it would only mean that the father would come by a larger estate by way of saving which will come to the daughter by a heir to the estate. Consequently, the deduction cannot be more than 1/3rd which is a conventional sum, if the claimants are between 1 to 3. I will, therefore, adopt a deduction of 1/3rd and apply a multiplier of 11 as for the formulation in Sarla Verma and provide for loss of consortium to the widow at Rs. 1,00,000/- as provided in Rajesh and others Vs. Rajbir Singh and others 2013 (9) SCC 54, and provide for loss to estate and funeral expenses in the conventional manner as provided in Rajesh's case (supra). The various heads of compensation are tabulated as;

The total compensation shall be Rs. 13,54,000/- and the additional amount of compensation will attract interest @ 9% from the date of the petition till the date of payment. The amount shall be distributed between the widow and daughter in the ratio of 3:1.

The award stands modified and the appeal is allowed. The liability shall be on the Insurance Company.

(K.KANNAN)
JUDGE

25.08.2015
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