

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

FAO No. 2331 of 2012 (O&M)

Date of decision: 26.08.2015

Jatinder Kaur and others

... Appellants

versus

Baljinderjit Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Sandeep Arora, Advocate for the appellants.

Ms. Kulwant Kaur Kahlon, Advocate,
for respondent Nos. 1 and 2.

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

K.Kannan, J.

The appeal is for enhancement of compensation for death of one Maninder Singh, aged about 30 years in a motor accident that took place on 12.04.2010. The claimants were the widow, minor children and parents who are said to be agriculturist cultivating lands on lease and augmenting his income by renting the tractor which stood in the name his father. The persons who were said to have granted on lease the properties were examined, one of whom stating that the deceased used to be giving 25,000/- per year and yet another saying that he give Rs. 10,000/- per acre per year. The ownership of the land are the lessors who are sought to be proved through production of revenue entries registered in the names of the respective owners. The Tribunal took the income to be Rs. 42,000/- per year and adopted a multiplier of 16 and after

providing for loss of consortium of Rs. 5,000/- and Rs. 5,000/- for funeral expenses, it determined the compensation of Rs. 4,58,000/-.

I am of the view that the assessment of compensation is very modest and out of seen with the judicial pronouncements rendered previously. The loss of consortium ought to be Rs. 1,00,000/- and the loss of love and affection for the child should also be a similar sum of Rs. 1,00,000/-. I would provide for loss of love and affection to the parents each at Rs. 50,000/- and provide for funeral expenses at Rs. 25,000/- and Rs. 10,000/- as loss to estate. Considering the fact that there were two owners of the property who have stated that they had actually leased the property, I will make a modest increase of the assessment already made and take the annual income at Rs. 50,000/- and adopt a multiplier of 17. The various heads for claims are tabulated as:-

	Date of accident 12.04.2010		
Age	30		
Occupation	Agriculturist		
Claimants	Wife, Child and Parents		
SR. No.	Heads of claim	Tribunal Amount (Rs.)	High Court Amount (Rs.)
1	Income	3,500	
2.	Add, % of increase, 30%/50%		50,000/-
3.	Deduction, 1/2, 1/3, 1/4,		

4.	Multiplicand		37,500/-
5.	Multiplier	16	17
6.	Loss of dependence		6,37,500/-
7.	Medical Expenses		
8.	Loss of Consortium	50,000	1,00,000/-
9.	Loss of love and affection		2,00,000/-
10.	Loss to estate		10,000/-
11.	Funeral Expenses	5,000/-	25,000/-
	Total	4,58,000/-	9,72,500/-

There shall be total compensation of Rs. 9,72,500/- and the amount in addition to what has been already assessed will attract interest @ 9% from the date of the petition till the date of payment. The entitlement will be distributed amongst the wife, son and the parents in the ratio of 2:2:1:1.

The award stands modified and the appeal is allowed to above extent. The liability as determined already by the Tribunal shall stand confirmed.

(K.KANNAN)

JUDGE

26.08.2015

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