

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

**FAO No.6067 of 2012 (O&M)
Date of decision: 18.05.2015**

Gurdev Singh and others

....Appellants

Versus

Dalip Nath and others

....Respondents

CORAM: HON'BLE MR. JUSTICE K.C. PURI.

Present: Mr. P.K.S. Phoolka, Advocate
for the appellants.

Mr. S.S. Sidhu, Advocate
for respondents No.1 and 2.

Mr. Nitin Mittal, Advocate
for Mr. Subhash Goyal, Advocate
for respondent No.3.

K.C. PURI J. (Oral)

This is an appeal directed by Gurdev Singh-father,
Mukhtiar Kaur-mother and two minor children of Gurdev Singh,
claiming compensation on account of death of Harcharan Singh @
Charna aged about 25 years in a motor vehicular accident.

The learned Tribunal has partly accepted the claim
petition and allowed a sum of Rs.3,83,000/- as compensation on
account of death of Harcharan Singh @ Charna. The income of the
deceased was taken as Rs.7,000/- per month and the yearly income
was taken as Rs.84,000/- (7,000 x 12). ½ was deducted in respect
of personal expenses as the deceased was a bachelor and the

dependency was taken as Rs.42,000/-. Gurdev Singh was aged 60 years and the multiplier of 9 was applied. The amount of compensation was calculated as Rs.3,78,000/- (42,000 x 9). Another sum of Rs.5,000/- was allowed in respect of funeral expenses.

Claimants have filed this appeal for enhancement of compensation. It is submitted that no amount in respect of future prospects has been given although the deceased was 25 years. It is further submitted that no amount in respect of love and affection has been allowed and the amount granted in respect of funeral expenses is on lower side. It is also submitted that no amount in respect of transportation of body and loss of estate has been granted.

On the other hand, learned counsel for the insurance company has submitted that future prospects are not available as the claimants are 60 years. However, he has submitted that there is a scope for enhancement of compensation in respect of love and affection and funeral expenses.

I have given my thoughtful considerations to the rival submissions made by learned counsel for both the parties and have gone through the paperbook and record carefully.

So far as the amount of compensation is concerned, that has not been disputed during the course of arguments. So, the amount of Rs.3,78,000/- has been correctly calculated by the

Tribunal, however the Tribunal has granted less amount in respect of funeral expenses and transportation. So, the claimants are held entitled to claim Rs.25,000/- in respect of funeral expenses and transportation of body. The claimants are also held entitled to claim Rs.1,00,000/- in respect of loss of love and affection and loss of estate. So, in this manner the claimants are held entitled to claim Rs.1,20,000/- more in addition to the amount awarded by the Tribunal. The said amount shall carry interest @ 7.5% per annum from the date of application till payment. The liability to pay the amount shall be same as ordered by the Tribunal.

Appeal stands disposed of, accordingly.

A copy of this order be sent to the Tribunal for compliance.

18.05.2015
yakub

(K.C. PURI)
JUDGE