

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

FAO No.6660 of 2012 (O&M)

Date of decision: 31.08.2015

Harsh Pal

... Petitioner

versus

Dharam Pal and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr.Anuj Balian, Advocate for the appellant.

Mr. Gaurav Jindal, Advocate for respondents No.3.

K.Kannan, J.

CM No. 32273-CII of 2012

For the reasons mentioned in the application, duly supported by an affidavit, delay of 105 days in filing the appeal is condoned.

CM is disposed of.

Main Appeal

The appeal is for enhancement of compensation at the instance of the widow, two sons and two daughters assessing the compensation of Rs. 4,00,920/- by the Tribunal. The deceased was said to be 55 years of age and stated to be earning Rs. 20,000/- per month. The Tribunal took Rs. 10,000/- and after making for conventional heads of claim assess at Rs. 4,00,920/- as the compensation payable.

I will not find any change in the income as assessed, provide

for 1/4th deduction for personal expenses and adopt a multiplier of 11 in the manner laid down by the Supreme Court in Sarla Verma Vs. Delhi Transport Corporation, 2009 (3) RCR (Civil) 77. I will allow for loss of consortium at Rs. 1,00,000/- for the wife and considering that the sons and daughters were all majors, I will provide for loss of love and affection at Rs. 50,000/- each and provide for Rs. 25,000/- as funeral expenses and Rs. 5,000/- as loss to estate. The various heads of claim are tabulated as under:

<u>Fatal</u>	Date of accident	22.10.2010	
Age	55		
Occupation	-		
Claimants	Widow, two sons and two daughters		
SR. No.	Heads of claim	Tribunal Amount (Rs.)	High Court Amount (Rs.)
1	Income	4,215	4,215
2.	Add, % of increase, 30%/50%		-
3.	Deduction, 1/2, 1/3, 1/4,		1/4, 3,161.25
4.	Multiplicand		37,935
5.	Multiplier		11
6.	Loss of dependence		4,17,285
7.	Medical Expenses		

8.	Loss of Consortium	10,000/-	1,00,000/-
9.	Loss of love and affection		2,00,000/-
10.	Loss to estate		5,000/-
11.	Funeral Expenses	10,000/-	25,000/-
	Total	4,00,920	7,47,285/-

The total compensation shall be Rs. 7,47,285/- and the amount in excess of what has been assessed by the Tribunal already will attract interest @ 9% from the date of the petition till the date of payment. Considering that the two daughters are married and taken care of by the respective husbands I will provide for larger slice of compensation for the widow. The sons and daughters to claim in the ratio of 2:1:1:1:1. The liability shall be in the same manner as assessed by the Tribunal.

The appeal is allowed to the above extent.

(K.KANNAN)
JUDGE

31.08.2015

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