

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

**FAO No. 7285 of 2015 (O&M)
Date of decision: 10.12.2015**

Meena and others	versus	... Appellants
Sukhbir and another		 Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Vimal Singh, Advocate for the appellants.

K.Kannan, J.

The appeal is brought at the instance of the claimants complaining of the compensation assessed @ Rs. 16,22, 400/- as inadequate. The deceased was said to be an agriculturist and the Court took the income at Rs. 6,850/-, made a prospect of increase of another 50% and assessed his monthly income at Rs. 10, 250/-, had applied an multiplier of 17 as applicable to a person of age 28 years and added towards loss of love and affection to the parents, loss of consortium to the wife, funeral expenses and loss of estate @ Rs. 2,25,000/-. The total compensation assessed, therefore, has taken note of every head of claim and there is no scope for further enhancement.

Learned counsel says that loss of estate has not been independently assessed. Loss to estate in a case where loss of dependency is separately provided shall be seen as surplus income that could have been available for the deceased, if he had been alive and which could constitute as accretion to the estate. If the contribution to the family is provided at a reasonable sum as in this case by deduction as provided in Sarla Verma Vs. Delhi Transport Corporation, 2009 (3) RCR (Civil) 77, a separate provision to loss of estate ought to be notional. There has been some confusion in the recent times about understanding the concept of loss to estate as through it is a sumptuous head of claim that is possible.

An accretion to the estate to an opulent person who was earning more than the requirement of family and would, therefore, secure adequate saving and consequently leave a larger estate for inheritance than a person with modest means whose earning would be consumed for the necessities of life and for modest comforts. It cannot be accepted that there is a large estate for a person who was an agriculturist supporting the family of his wife and parents. The assessment made at Rs. 2,25,000/- for the educational ward, for loss of consortium, loss to estate and loss of love and affection was under the circumstances justified and I will find no special reason for making any addition and for considering the case for a prospect of higher assessment.

I do not find any error for an intervention. The regular second appeal is dismissed with above observations.

10.12.2015

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(K.KANNAN)
JUDGE