

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

Date of Decision:14.03.2016

1. **CR No.362 of 2004**
Basant Kaur and othersPetitioners
Vs.
Pepsu Roadways Transport CompanyRespondent
2. **FAO No.1710 of 1994 and**
Cross Objection No.66-II of 2005

Pepsu Roadways Transport CorporationAppellant
Vs.
Basant Kaur and othersRespondents
3. **CR No.2488 of 2004**
Pepsu Road Transport CorporationPetitioner
Vs.
Basant Kaur and othersRespondents

CORAM:- HON'BLE MR. JUSTICE K. KANNAN

Present:- Mr. Anupam Singla, Advocate for Pepsu Road Transport Corporation.

Mr. Amarjit Markan, Advocate for the respondents in FAO No.1710 of 1994, CR No.2488 of 2004 and for the appellants in CR No.362 of 2004.

K. KANNAN, J.(Oral)

In respect of same accident in this case, there had been an appeal already brought before this Court and disposed of in FAO No.1708 of 1994 where this Court has held the liability between the two drivers of vehicles that collided against each other to be apportioned as 50:50 amongst the two owners. I reiterate the said finding and hold that the liability will be equally apportioned between the two owners in the ratio of 50:50.

There is a cross objection seeking enhancement of the claim by the claimants who are widow and two minor children. The accident had taken place on 18.4.1985. The Tribunal has already taken Rs.40,000/- per

annum as a contribution from the family which I will retain. It has adopted the multiplier of 12 which is erroneous considering the fact that the deceased was 35 years of age. I will apply a multiplier of 16 and take loss of dependency at Rs.6,40,000/-. Considering that the accident was of the year 1985 and the provision for interest for all these years will bring the component of loss of love and affection to the amounts that are being now ordered, I will provide an additional amount of one lac for loss of love and affection and Rs.50,000/- as loss of consortium to the wife respectively and an amount of Rs.5,000/- for funeral expenses and hold Rs.7,97,500/- as the compensation payable. The split up of amount under various heads is tabulated hereunder. The amount of award shall carry interest @ 6% from the date of accident till date of payment.

Fatal Accidents			
	Date of accident	18.4.1985	
Age:		35	
Occupation			
Claimants:	Wife and 2 minor children		
	Heads of claim	Tribunal	High Court
Sl.No.		Amount (Rs.)	Amount (Rs.)
1	Income	40,000/- PA	40,000/- PA
2	Add, % of increase 30% / 50%		
3	Deduction ½, 1/3, ¼. 1/5		
4	Multiplicand		40,000/-
5	Multiplier		16
6	Loss of dependence		6,40,000/-
7	Medical expenses		
8	Loss of Consortium		50,000/-
9	Loss of love and affection		1,00,000/-
10	Loss of estate		2,500/-
11	Funeral Expenses		5,000/-
	Total	4,00,000/-	7,97,500/-

Consistent with the finding that both the drivers are equally responsible, the claimants will have a right of recovery against the owners and drivers of both vehicles, viz. 50% of the amount by the appellant in FAO No.1710 of 1994 and remaining 50% will be paid by Bilaspur Bus Service through its proprietors Darshan Singh, Mohinder Singh and Malkiat Singh. The appellant states that Rs.4 lacs has already been paid by him. This amount shall be set off against 50% fixed under this order. Any amount paid by the appellant in FAO No.1710 of 1994 shall be given due credit while enforcement of the award and any amount in excess of 50% will be claimed only against respondents No.5 and 6 in appeal. The cross objections are allowed to the extent indicated above and the amount awarded shall be distributed amongst the widow and children equally.

The Civil Revision Nos.362 and 2488 of 2004 relates to an award of interest which was not provided originally by the Tribunal but allowed to be executed in part at the stage of execution. Since I have provided for interest @ 6% from the date of the petition for the entire amount, the revision petitions will not require to be dealt with separately and treated as having become infructuous.

FAO No.1710 of 1994 and cross objection are allowed as above. Civil Revision Nos.362 and 2488 of 2004 are disposed of as having become infructuous.

March 14, 2016
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(K.KANNAN)
JUDGE