

201/A.

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

FAO No.1218 of 2003 (O&M)

Date of decision:11.04.2016

Smt. Sunita and another

... Appellants

versus

Shri Jatinder Singh and others

.... Respondents

II. FAO No.2229 of 2003 (O&M)

Prem Kaur and others

... Appellants

versus

Sh.Jatinder Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Sushil Bhardwaj, Advocate,
for the appellants.

Mr. V. Ramswaroop, Advocate,
for respondent No.3.

K.Kannan, J. (Oral)

1. The appeals are for compensation for death of 2 persons, one aged 20 years and another 28 years of age, which are the subject matter of appeals in FAO Nos.1218 and 2229 of 2003. The claimants were young widow and the mother to a male aged 20 years. He was said to be a vegetable vendor and also registered as a student doing diploma in draftsman course. The Tribunal assessed

that his income as a vendor would not have been less than ₹ 2,100/- and after providing for a 16 multiplier and taking 1/3rd personal consumption, assessed a compensation of ₹2,73,000/-.

2. I will make no modification with reference to the income that he was earning though he was young person of just 20 years, but if he had completed his draftsman course, he could have gained employment but considering the uncertainties, I will take the increase as possible only on ₹2,100/- as already taken by the Tribunal, provide for 1/3rd deduction, apply a multiplier of 18 and provide for ₹1 lakh for loss of consortium and ₹25,000/- to the mother as loss of love and affection. Since the accident had taken place on 26.10.1999, the provision of interest from thereon from the date of petition itself must be taken as making possible an accretion to secure the amounts which are now being granted after the dispensation in **Rajesh Versus Rajbir Singh-2013(9) SCC 54**. The several heads of claims are tabulated as under:-

Accident	26.10.1999		
Age	20		
Occupation	Vegetable vendor and diploma in draftsman		
Claimants	Mother and widow		
	Heads of claim	Tribunal	High Court
Sr. No.		Amount (₹)	Amount (₹)
1.	Income	2,100	2,100
2.	Add,% of increase 30%/50%		3,150
3.	Deduction ½, 1/3, ¼, 1/5	1,400	2,100
4.	Multiplicand		25,200
5.	Multiplier		18
6.	Loss of dependence		4,53,600

<u>FAO No.1218 of 2003 (O&M)</u>			- 3 -
7.	Medical expenses		
8.	Loss of consortium		1,00,000
9.	Loss of love and affection		25,000
10.	Loss to estate		5,000
11.	Funeral expenses		10,000
	Total	2,73,000	5,93,600

There shall be an award of ₹5,93,600/- and the additional amount of compensation shall attract interest at 7.5% from the date of petition till date of payment and shall be distributed amongst the claimants- the widow and mother in the ratio of 2:1. The liability shall be in the same manner as determined by the Tribunal. The award stands modified and the appeal in FAO No.1218 of 2003 is allowed to the above extent.

3. In FAO No.2229 of 2003, the deceased was 28 years of age and working as a Sweeper in PWD, earning ₹4,231 at the time of his death on 26.10.1999. The claimants were widow and 2 minor children and mother. I will rework the compensation, making a sure prospect of increase in salary as possible and apply the scales of compensation as assessed in **Rajesh** (supra). The several heads of claims are tabulated as under:-

Accident	26.10.1999		
Age	28		
Occupation	Sweeper, PWD		
Claimants	Widow, mother and 2 minor children		
	Heads of claim	Tribunal	High Court
Sr. No.		Amount (₹)	Amount (₹)
1.	Income	4,231	4,231
2.	Add, % of increase 30%/50%		6,346.5
3.	Deduction ½, 1/3, ¼, 1/5		4,759.87
4.	Multiplicand		57,118.50

<u>FAO No.1218 of 2003 (O&M)</u>			- 4 -
5.	Multiplier		17
6.	Loss of dependence		9,71,014.50
7.	Medical expenses		
8.	Loss of consortium		1,00,000
9.	Loss of love and affection		1,00,000
10.	Loss to estate		5,000
11.	Funeral expenses		10,000
	Total	6,16,496	11,86,014.50

There shall be an award of ₹ 11,86,014.50 rounded off to ₹11,86,000/- and the additional amount of compensation will attract interest at 7.5% from the date of petition till date of payment. The entitlement shall be distributed amongst the widow, two minor children and mother in the ratio of 2:2:2:1. The liability shall be in the same manner as determined by the Tribunal.

4. The award stands modified and the appeal in FAO No.2229 of 2003 is allowed to the above extent.

(K.KANNAN)
JUDGE

11.04.2016
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