

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

**FAO No. 4648 of 2002 (O&M)
Date of decision: 28.01.2016**

Raj Rani

... Appellant

versus

Makhan Singh

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Harkaran Singh, Advocate for
Mr. B.S. Bhalla, Advocate for the petitioner.

Mr. Ashwnai Bhatia, Asst. AG Punjab with
Ms. Vandana Malhotra, Addl. AG Punjab.

K.Kannan, J. (ORAL)

The appeal is for enhancement of compensation for death of a boy aged 22 years. The claimant was the mother. He was said to be working in a shop and earning Rs. 5,000/-. The Tribunal took the income at Rs. 24,000/- and after making 1/3rd deduction provided for a compensation of Rs. 2,77,000/-. The mother is aggrieved with the compensation provided as it was inadequate and the Court should have taken his income at Rs. 60,000/-.

With no particular evidence regarding the educational qualification or any special skills of employment in a shop, I take the average income of the deceased at Rs. 36,000/- annually and make deduction of ½ and apply the multiplier of 18. I will provide for Rs. 50,000/- as loss of love and affection for parents considering the case is of the year 1999 and that the provision for interest from then on will itself substantially taken care of compensation that is assessed in the present regimes of higher compensation. The various heads of claim are tabulated as under:

<u>Fatal</u>	Date of accident	30.05.1999	
Age	22		
Occupation			
Claimants	Mother		
SR. No.	Heads of claim	Tribunal Amount (Rs.)	High Court Amount (Rs.)
1	Income	24,000/-	24,000/-
2.	Add, % of increase, 30%/50%		36,000/-
3.	Deduction, 1/2, 1/3 , 1/4,	1/3	18,000/-
4.	Multiplicand		18,000/-
5.	Multiplier	17	18
6.	Loss of dependence	2,72,000/-	3,24,000/-
7.	Medical Expenses		
8.	Loss of Consortium		
9.	Loss of love and affection		50,000/-
10.	Loss to estate		5,000/-
11.	Funeral Expenses	5,000/-	5,000/-
	Total	2,77,000/-	4,34,000/-

The total compensation shall be Rs. 4,34,000/-. The amount what has been ordered already shall attract interest at 6% from the date of the petition till the date of payment.

The liability shall be in the same manner as determined by the Tribunal. The award is modified and the appeal is allowed to the above extent.

(K.KANNAN)
JUDGE

28.01.2016
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