

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

F.A.O. No.1574 of 1994 (O&M)

Date of Decision : 05.04.2016

Dev Singh and others

..... Appellants

versus

Haryana Roadways, Chandigarh and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. N.S. Swaich, Advocate
for the appellants.

Mr. P.K. Jangra, Addl.A.G., Haryana.

Ms. Swatantar Kapoor, Advocate
for the respondent No.3.

Mr. Kamal K. Sharma, Advocate
for respondent No.4.

Mr. Aditya Kochar, Advocate
for respondent No.6.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

This appeal has been filed by the claimants for the enhancement of compensation on account of death of Karnail Singh, aged 22 years, in a motor vehicular accident on 21.02.1990.

The Tribunal while taking the income of Rs.1000/- p.m. awarded consolidated compensation of Rs.60,000/- along with interest

@ 12% p.a. and held the owners, driver and insurer of the offending vehicle liable to pay compensation jointly and severally.

Learned counsel for the appellants has argued that firstly the Tribunal erred in taking the income as Rs.1000/- p.m. and secondly by giving consolidated amount of Rs.60,000/- instead of applying the multiplier system. As per him, the deceased was 22 years old and therefore the multiplier of 18 had to be adopted as held by the Hon'ble Supreme Court in *Sarla Verma and others v. Delhi Transport Corporation and another*, 2009 ACJ 1298.

Learned counsel for the appellants has further argued that under conventional heads nothing has been awarded and has relied upon the decision of the Hon'ble Supreme Court in *Vimal Kanwar and others vs. Kishore Dan and others*, (2013-3) PLR 776, where the Hon'ble Supreme Court awarded a sum of Rs.1 lac to the widow and a sum of Rs.2 lac to the minor girl and Rs.1 lac to the mother on account of loss of love and affection, and another sum of Rs.1 lac towards loss of consortium to the widow.

Learned counsel for the respondent No.3 has argued that income of Rs.1000/- was also excessive considering that accident took place in the year 1990. Further as per her, even if multiplier has to be applied it has to be as per the age of the mother who was 40 years old and therefore at the most the multiplier of 15 could have been applied.

As regards the income, I find that as per the Minimum Wages for the year 1990 in Punjab the sum of Rs.850/- were fixed for unskilled

labourer. In the circumstances, the minimum wages for the truck driver who fall under the category of skilled labourer could not be taken to be less than Rs.1000/- p.m. in the year 1990.

As regards the multiplier, I deem it appropriate to apply the multiplier of 17 i.e. average of both the deceased as well as his mother in view of the observations made by this Court in *F.A.O. No.5181 of 2010*, titled as *Nanak Singh and another vs. State of Punjab and another*, decided on 17.01.2014. In the circumstances, by applying the deduction of 50% the dependency would come to Rs.6000/- p.a. and the compensation would come to Rs.1,02,000/- (Rs.6000x17).

Keeping in view the entire conspectus of facts, I award Rs.10,000/- towards funeral expenses and transportation. I further award an amount of Rs.30,000/- towards loss of love and affection. The earlier amount paid would be set off. The enhanced amounts shall be paid along with interest @ 8% p.a. from the date of filing of the claim petition till realization. It is directed that the entire enhanced amount would be given to the appellant No.1-mother. The other findings of the Tribunal are left intact.

The appeal is allowed in the above terms and the award is modified accordingly.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

April 05, 2016

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(AJAY TEWARI)
JUDGE