

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

**C.M. No.23063-CII-2015 in/and
F.A.O. No.740 of 1995
Date of Decision : 15.01.2016**

Smt. Santosh Devi and others

..... Appellants

versus

Mahaveer Singh and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Ms. Vandana, Advocate
for Mr. Hemant Bassi, Advocate
for the applicants-appellants.

Mr. Pawan Kumar Jhangra, Addl.A.G., Haryana &
Mr. Kapil Bansal, D.A.G., Haryana.

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)

C.M. No.23063-CII-2015

For the reasons recorded, the application is allowed. The main case is taken up for hearing today itself.

F.A.O No.740 of 1995

This appeal has been filed by the claimants for the enhancement of compensation on account of death of Sh. Puran Chand @ Puran Mal, aged 38 years, in a motor vehicular accident on 30.12.1992.

The Tribunal while taking the income of Rs.1200/- p.m. assessed the dependency at Rs.9600/- p.a. BY applying the deduction of 1/3rd and multiplier of 12. The Tribunal awarded total compensation of Rs.1,15,200/- along with interest @ 15% p.a.

Learned counsel for the appellants has argued that the dependency of 1/4th should be applied instead of 1/3rd. She has further argued that the multiplier of 15 has to be applied instead of 12 as per the age of the deceased 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 relied upon the decision of the Hon'ble Supreme Court in the case of *Rajesh and others v. Rajbir Singh and others* reported as 2013(9) SCC 54, where an amount of Rs.1 lac was awarded towards loss of consortium to the widow and Rs.1 lac each to three minor children for loss of care and guidance.

Learned counsel for the appellants has further argued that under conventional heads very less amount 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 State is not in a position to deny these contentions.

Keeping in view the entire conspectus of facts, I award Rs.10,000/- to the appellants towards funeral expenses. I further hold that dependency should be fixed by applying the deduction of 1/4th. I further direct that multiplier of 15 should be applied. I further award an amount of Rs.50,000/- each towards loss of consortium and towards loss of love and affection to the widow-appellant No.1. I further award an amount of Rs.25,000/- to major son-appellant No.3 towards loss of love and affection. I further award Rs.50,000/- to the minor son-appellant No.4 towards loss of love and affection.

The enhanced amounts shall be paid along with interest @ 8% p.a. from the date of filing of the claim petition till realization. Apart from the individual amounts awarded, the apportionment and management would be as per the direction of the Tribunal.

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.

January 15, 2016

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**(AJAY TEWARI)
JUDGE**