

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 933 of 2002 (O&M)

Date of decision: 18.03.2016

Joginder Kaur and others

... Appellants

versus

Subhash Chander and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Mr. Sushil Sharma, Advocate for
Mr. Gurcharan Dass, Advocate for the appellants.
Mr. Ravinder Arora, Advocate for respondent No.3.

K.Kannan, J. (ORAL)

The appeal is for enhancement of compensation for death of a male aged 38 years. He died in an accident that took place on 07.01.2000. He was said to be a full time employee in an hosiery unit and the employer produced the register of employees with the certification that he was being paid Rs. 4,000/- as salary. It was also stated that he was working as a part time *granthi* in a *Gurudwara* and was being paid about Rs. 3,000/-. The Court discarded the evidence that he was a *granthi* and also discarded the evidence through the register produced on a view that employer has clearly fabricated the document and the register produced as required under the Establishment and Shops Act was not duly authenticated. It, therefore, took the income at Rs. 2,000/- provided for a deduction for personal expenses at 1/3rd and applied the multiplier of 16. The Court awarded the compensation of Rs. 2,72,000/-.

I find the reasoning to discard the employment register as

not appropriate when the employer's representative gave evidence before the Tribunal but, the employment in Gurudwara must have been rejected. I take the income at Rs. 4,000/-, making a prospect of increase at 50% deduct 1/3rd for personal consumption and apply the multiplier of 15 instead of 16. I provide for Rs. 1,00,00/- for loss of consortium and provide for Rs. 50,000/- for love and affection for each child considering that the accident was of the year 2000 and the provision for interest will itself take care to make for accretions that will bring the figure to the sums that are being now awarded. The various heads of claim are tabulated as under:

<u>Fatal</u>	Date of accident	07.01.2000	
Age	38		
Occupation	Hosiery unit		
Claimants	Wife, 2 minor children		
SR. No.	Heads of claim	Tribunal Amount (Rs.)	High Court Amount (Rs.)
1	Income	2,000/-	4,000/-
2.	Add, % of increase, 30%/50%		6,000/-
3.	Deduction, 1/2, 1/3, 1/4,		4,000/-
4.	Multiplicand		48,000/-
5.	Multiplier	16	15
6.	Loss of dependence		7,20,000/-
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	2,72,000/-	9,35,000/-

There shall be an award for Rs. 9,35,000/- and the additional amount shall also attract interest @ 7.5% from the date of the petition till the date of payment. The amount will be distributed equally amongst the wife and children. If in case the children are minors, the same shall be detained in the bank deposit and disbursed at the time of respective majority.

The award is modified and the appeal is allowed to the above terms. The liability shall be on the Insurance Company as already determined.

(K.KANNAN)
JUDGE

18.03.2016
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