

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No. 1316 of 2002 (O&M)

Date of decision : January 28, 2016

Sarto Devi and others

..... Appellants

v.

Subhash Chand and others,

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Siddharth Gulati, Advocate
for the appellants.

Mr. Sandeep Suri, Advocate
for respondent No.3.

Mr. Gaurav Gupta, Advocate
for respondent No.4.

- 1. Whether Reporters of Local Newspapers 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 appellants/claimants for enhancement of compensation.

Brief facts are that on 17.9.2000 at about 6.40 pm, offending bus being driven by respondent No.1 in a rash, negligent and zig zag manner, first struck against a boy going on the road and thereafter struck with the pole of the queue shelter, as a result of which roof of the shelter fell down on the bus and the deceased-Gian, who was the conductor, was

crushed between the body of the bus and received serious and multiple injuries and died at the spot.

The Tribunal held respondent No.1, driver of the offending vehicle, guilty of causing the accident. After deducting 1/3rd from his income, his monthly dependency was assessed as ₹ 4000/- Multiplier of 13 was applied and the compensation awarded was ₹ 6,24,000/-. In addition, ₹ 10,000/- were awarded towards funeral expenses, loss of consortium and loss of estate.

Counsel for the appellants has argued that since there were seven dependents, deduction could not have been more than 20%. He has further argued that nothing has been awarded towards loss of love and affection, and future prospects since the deceased was a government employee. He has placed reliance on the decisions of the Hon'ble Supreme Court in Rajesh and others vs Rajbir Singh and others, 2013(9) SCC 54, and Vimal Kanwar and others vs Kishore Dan and others, (2013-3) PLR 776.

I fully agree with counsel for the appellants. I direct that deduction in the present case would be 20%. I award ₹ 1 lac to appellant No.1 for loss of consortium and ₹ 1 lac towards love and affection, ₹ 50,000/- to appellant No.2 for loss of love and affection, ₹ 1 lac each to appellants No.3, 4, 6 and 7 for loss of love and affection, and ₹ 50,000/- to appellant No.5 for loss of love and affection. I also award ₹ 25,000/- for funeral expenses. Since the deceased was a government employee, I award 30% as future prospects. Rate of interest would be 8% p.a on the enhanced amounts.

However, since appellants No.1 and 2 have, in the meanwhile, died, the amounts falling to their share would be equally shared between appellants No.3 to 7, and since all of them have become major in this interregnum, the entire enhanced amounts be handed over to them.

The appeal stands disposed of in the above terms.

(AJAY TEWARI)
JUDGE

January 28, 2016
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