201.

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.1797 of 2001 (O&M)
Date of decision:09.02.2016

Narati Devi and others ... Appellants

versus

Karamjit Singh and others .... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. C.M. Munjal, Advocate, for the appellants.

Ms. Vandana Malhotra, Advocate, for respondent No.3.

K.Kannan, J. *(Oral)*

1. The appeal is for enhancement of claim for compensation for death of a male, aged 28 years. He was running a fertilizer shop and having a licence in his own name under the name and title M/s Purshotam Khad Store at Budhlada. The profit and loss account for the Company showed that he was making a profit of about ₹ 2,46,000/-. He was paying salaries to 4 persons in the range of ₹14,510 to ₹34,450/- annually and shown as such in the IT returns. His own salary for his management could not have been less than ₹6,000/- for the year 1999. Since the business is still available, I will not provide the entire amount of profit shown as having been lost and take only the component of the value of services. I will also

make a prospect of increase by 50% and apply a deduction of ¼ considering that he supported a large family of widow, minor son, minor daughter and parents. I will make 20% deduction as going towards tax and apply a multiplier of 17 instead of 14 as taken by the Tribunal. I will also provide for loss of consortium to the wife and loss of love and affection for each of the children and the parents at relatively modest sums at ₹50,000/- each on the premise that the provision for interest from the year 1999 itself will secure the sums which are now being estimated in cases after 2013. The various heads of claims are tabulated as under:-

Accident	10.09.1999		
Age	28		
Occupation	Fertilizer shop		
Claimants	Widow, minor son, minor daughter and parents		
	Heads of claim	**Tribunal**	**High Court**
Sr. No.		Amount (₹)	Amount (₹)
1.	Income	4,500	6,000
2.	Add,% of increase 30%/50%		9,000 less 20% tax=7,200
3.	Deduction ½, 1/3, ¼, 1/5	3,000	5,400
4.	Multiplicand		64,800
5.	Multiplier	14	17
6.	Loss of dependence		11,01,600
7.	Medical expenses		
8.	Loss of consortium		1,00,000
9.	Loss of love and affection		2,00,000
10.	Loss to estate		5,000
11.	Funeral expenses		10,000
	Total	5,06,000	14,16,600

There shall be an award of ₹14,16,600/- and the additional compensation will attract interest at 7.5% from the date of petition till date of payment. The amount will be split in the ratio of 2:2:2:1:1 amongst the widow, children and the parents respectively. The liability shall be in the same manner as determined by the Tribunal.

2. The award stands modified and the appeal is allowed to the above extent.

(K.KANNAN)
JUDGE

09.02.2016
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