

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No. 347 of 2001 (O&M)

Date of decision : May 20, 2016

Sunita and others,

..... Appellants

v.

Anil Kumar and others,

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Ms. Indu, Advocate
for Mr. Govind Chauhan, Advocate
for the appellants.

Mr. RC Gupta, Advocate
for respondent No.3.

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 claimants for enhancement of compensation. Brief facts are that on 29.12.1997, the deceased Ranbir Singh along with two others was coming from Delhi to Ambala in a Maruti van and when they reached at Panipat, the driver of the offending truck tried to overtake the Maruti van by driving rashly and negligently, and suddenly applied brakes in the middle of the road, due to which the deceased struck the Maruti van against the back portion of the offending truck. As a result of this accident, all the occupants of the car received multiple injuries and Ranbir Singh died in the hospital. The Tribunal held respondent No.1

responsible for causing the accident and awarded a total sum of ₹ 2,41,000/- as compensation.

Counsel for the appellants has argued that since the deceased was 24 years old at the time of accident, multiplier of 18 should have been applied, in view of the decision in Sarla Verma and others vs Delhi Transport Corporation and another, AIR 2009 (SC) 3104. Counsel for the Insurance Company accepts this but argues that since the father could not have been held to be the dependent of the deceased, deduction should be 1/3rd instead of 1/4th. I find both these contentions to be correct and hold so.

Counsel for the appellants has further argued that for transportation of dead body and for last rites, only a sum of ₹ 7000/- has been awarded. I find this to be correct also and award another sum of ₹ 8,000/- on this account.

Counsel for the appellants has further argued that nothing has been awarded on account of consortium and on account of loss of love and affection. I find this to be correct and award ₹ 50,000/- on account of loss of consortium and ₹ 50,000/- for loss of love and affection to appellant No.1, and ₹ 25,000/- each to appellants No.2 and 3 for loss of love and affection. The enhanced amount would carry interest @ 8% pa from the date of application till the date of payment. It is made clear that apart from the individual enhancements, the entire amount shall go to appellant No.1.

This appeal stands disposed of.

(AJAY TEWARI)
JUDGE

May 20, 2016
'kk'

