

**201-A IN THE HIGH COURT OF PUNJAB AND HARYANA
 AT CHANDIGARH**

**F.A.O. No.3501-2001 (O&M)
Date of Decision : 27.05.2016**

Charanjit Kaur and others

..... Appellants

versus

Khillu Ram and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Ashok Jindal, Advocate
 for the appellants.

Mr. Aseem Aggarwal, Advocate
for respondent No.2.

Mr. Vipul Sharma, Advocate for
Mr. Paul S.Saini, Advocate
for respondent No.3.

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)

This appeal has been filed by the claimants for the enhancement of compensation on account of death of Sh. Mohinder Singh, aged 32 years, in a motor vehicular accident on 17.06.1994.

The brief facts of the case are that on 17.06.1994 when Mohinder Singh reached near village Har Raipur, the Canter bearing No.HR-47/0520 being driven by Khilu Ram-respondent No.1 in a rash and

negligent manner struck the tractor and as a result thereof, Mohinder Singh died due to the injuries received in the accident.

The Tribunal while taking the income of Mohinder Singh at Rs.1500/- p.m. assessed the dependency at Rs.1,000/- p.m. by applying the deduction of 1/3rd and held that multiplier of 13 should be applied. The compensation payable to the claimants thus worked out to Rs.12,000/- x 13 = Rs.1,56,000/-. The Tribunal awarded Rs.4,000/- towards funeral and other expenses. Consequently, the Tribunal awarded a total compensation of Rs.1,60,000/- along with interest @ 12% p.a.

Learned counsel for the appellants has argued that there were 5 dependents, one widow and 4 minor children and deduction of 1/3rd was highly excessive and it had to be 25%. Learned counsel for respondent No.3-Insurance Company has very fairly accepted this. It is ordered that deduction would be 1/4th.

Learned counsel for the appellants has further argued that multiplier of 13 is also too low and as per *Sarla Verma and others v. Delhi Transport Corporation and another, 2009 ACJ 1298*, multiplier of 16 would be applicable. I agree with the learned counsel for the appellants and change the multiplier from 13 to 16.

Learned counsel for the appellants has argued that nothing has been given for loss of love and affection. Learned counsel for the appellants has further relied upon the decision of the 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 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 respondents are not in a position to deny these contentions.

Keeping in view the entire conspectus of facts, I award a sum of Rs.11,000/- to the appellants towards funeral expenses. I further award Rs.50,000/- towards loss of consortium and Rs.50,000/- towards loss of love and affection to the appellant No.1-widow. Similarly I grant Rs.25,000/- to the appellant No.3- minor son and an amount of Rs.50,000/- each to appellants No.2, 4 and 5-minor daughters 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. It is made clear that the minors having become major their share would be disbursed to them and apart from the individual amounts awarded the entire enhanced amount shall fall to the share of appellant No.1. The apportionment and management of the compensation 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.

27.05.2016

pooja sharma-I

**(AJAY TEWARI)
JUDGE**