

FAO No. 1811 of 2003 (O&M)

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

FAO No. 1811 of 2003 (O&M)
Date of decision : May 30, 2016

Smt. Shamsher Kaur and others,

..... Appellants.

v.

Chebeg Singh and others,

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. KK Chaudhary, Advocate
for the appellants.

Mr. Aseem Aggarwal, 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)

C.M No.10621 CII of 2016

This is an application for permitting substituted service upon respondents No.1 and 2. Counsel for the applicants has pointed out that

the said respondents were exparte before the Tribunal. In the

circumstances, service upon them is exempted.

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This appeal has been filed by the claimants for enhancement of compensation. Brief facts are that on 20.7.1999 at about 10 am, while the deceased was going on his scooter from his village Rajipur towards Chandigarh, the offending car being driven by respondent No.1 rashly and negligently struck against the scooter after going to the wrong side of the road near Peer Sahib Ki Majaar in between Chandimandir railway station and Panchkula. As a result of this accident, the scooterist sustained grievous injuries and ultimately died on 25.7.1999.

The Tribunal held respondent No.1 responsible for causing the accident and awarded a total compensation of ₹ 1.28 lac.

Counsel for the appellants has argued that the Tribunal took the dependency at ₹ 1500/- which means that the monthly income was taken at ₹ 2,000/- with a deduction of 25% (since there were five dependents). As per the relevant notification of the State of Punjab, income of a skilled labourer in 1999 was not less than ₹ 2200/-. Moreover, the deceased had 5 to 6 acres of land and even though the land is still there, yet some amount had to be given towards labour thereon. Counsel for the respondent is not in a position to deny this.

In the circumstances, I deem it appropriate to take the

income as ₹ 2400/- per month, and after deducting 25% for personal expenses, dependency would be ₹ 1800/- per month. Further, as per the decision of the Hon'ble Supreme Court in Sarla Verma and others vs Delhi Transport Corporation and another, AIR 2009 (SC) 3104, multiplier is taken as 9 instead of 6 taken by the Tribunal.

Counsel for the appellants has further argued that nothing has been awarded on account of loss of consortium and love and affection. I find that to be correct and award a sum of ₹ 50,000/- to appellant No.1 towards loss of consortium and ₹ 50,000/- for loss of love and affection. I further award a sum of ₹50,000/- each to appellants No.3, 4 and 6, and to the minor son-appellant No.5, I award ₹ 25,000/- towards loss of love and affection. The enhanced amounts would carry interest @ 8% pa from the date of filing of the application till the date of payment. Apart from the individual amounts, the entire enhanced amount shall fall to the share of appellant No.1. Since she must be an old lady, the amount of her share would be put in a Fixed Deposit for three years and she would be entitled to monthly interest thereon.

This appeal stands disposed of accordingly.

(AJAY TEWARI)
JUDGE

May 30, 2016
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