

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No. 2420 of 2004 (O&M)

Date of decision : February 23, 2016

Sudesh Goyal and others,

..... Appellants

v.

Surinder Singh and others,

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Ms. Suresha, Advocate
for Ms. Ekta Thakur, Advocate
for the appellants.

Mr. Vikash Sharma, Advocate
for Mr. DP Gupta, Advocate
for the respondent-Insurance Company.

- 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 for enhancement of compensation.

Brief facts are that on 6.7.2000 the deceased-Vikas Goyal was returning to Chandigarh from Rajpura in a car being driven by Sandeep Kumar and when they were about 6 kms away from Banur, the offending truck being driven by respondent No.1 which was coming from opposite side hit their car. As a result of this accident, the deceased received multiple injuries and died at the spot. The Tribunal held respondent No.1 responsible for causing the accident. His annual income was assessed as ₹ 60,000/- and after

deducting 50% towards personal expenses and applying multiplier of 8, the compensation assessed came to be ₹ 2,40,000/-. In addition to this, a sum of ₹ 10,000/- was awarded towards funeral expenses.

Counsel for the appellants has argued that multiplier of 8 has been wrongly applied, and further nothing has been awarded on account of loss of love and affection.

Counsel for the respondent-Insurance Company is not in a position to deny this.

As regards application of multiplier, this Court in Nanak Singh and another v. State of Punjab and another, FAO No.5181 of 2010, decided on 17.1.2014, this Court held as follows :-

“.....Keeping in view the conflicting decisions of the Hon'ble Supreme Court and taking support from the decision of Division Bench of our High Court in United India Insurance Company Limited v Raj Rani 1998 (1) ACJ 175, in my considered view, the age of the deceased as well as the age group of the claimants is required to be taken into consideration while adopting a multiplier for determining the dependency to award compensation to the claimant.”

In the present case, the age of the deceased was 26 years, while the age of the mother stated to be between 55-60 years. Consequently, multiplier of 17 would be appropriate in this case. I further award a sum of ₹ 50,000/- to appellant No.1 for loss of love and affection. It is made clear that the entire enhanced amount shall be given to appellant No.1 since appellant No.2 being the father is only class 2 heir.

This appeal stands disposed of in the above terms.

(AJAY TEWARI)
JUDGE

February 23, 2016
`kk'

