

205.

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

FAO No.2220 of 2003 (O&M)

Date of decision:05.04.2016

Santosh and others

... Appellants

versus

Bhawani Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Rajinder Paul, Advocate,
for Mr. Birinder Singh Rana, Senior Advocate,
for the appellants.

Mr. Gopal Mittal, Advocate,
for respondent No.3-Insurance Company.

K.Kannan, J. (Oral)

1. Respondents 1 and 2 have not been served. The counsel says that they remained ex parte before the court below and notice may therefore be dispensed with. Notice to respondents 1 and 2 is dispensed with accordingly.

2. The appeal is for enhancement of compensation for death of a male aged 34 years, who died in the accident that took place on 05.06.2000. The claimant was the widow. He was said to be a truck driver, earning ₹2,500/-. There was no documentary evidence produced to show that he held a driving licence and considering the fact that there was also evidence that he was making

a living by sale of cattle, the Tribunal took the income at ₹2,500/-, applied 1/3rd deduction and assessed a compensation of ₹3,27,064/-, after providing for notional heads. Considering the fact that he was either a driver or a broker of selling the cattle, his come would have been definitely increased over a period of time and I will, therefore, apply 50% as the increase as prospect of future income, taking the average income at ₹2,500/- and make a 1/3rd deduction as already assessed and apply a multiplier of 16. I will provide for ₹1 lakh as loss of consortium to the wife in the manner provided in **Rajesh Versus Rajbir Singh-2013(9) SCC 54** and make a modest assessment for loss of estate and funeral expenses. The several heads of claims are tabulated as under:-

Accident	05.06.2000		
Age	34		
Occupation	Truck driver		
Claimants	Widow		
	Heads of claim	Tribunal	High Court
Sr. No.		Amount (₹)	Amount (₹)
1.	Income	2,500	2,500
2.	Add, % of increase 30%/50%		3,500
3.	Deduction ½, 1/3, ¼, 1/5		2,500 (1/3 rd)
4.	Multiplicand		30,000
5.	Multiplier		16
6.	Loss of dependence		4,80,000
7.	Medical expenses		
8.	Loss of consortium		1,00,000
9.	Loss of love and affection		
10.	Loss to estate		5,000
11.	Funeral expenses		10,000
	Total	3,27,064	5,95,000

The aggregate of compensation shall be ₹5,95,000/- and the amount

in excess of what has been awarded already by the Tribunal will attract interest at 7.5% per annum from the date of petition till date of payment. The liability shall be in the same manner as determined already by the court below, meaning thereby that the Insurance Company is bound to satisfy the claim and recover the same against the driver and owner for proven violation of terms of policy.

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

(K.KANNAN)
JUDGE

05.04.2016
sanjeev