

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No. 2317 of 1998 (O&M)
Date of decision : February 09, 2016

Harbans Kaur and others,

..... Appellants.

v.

Paramjit Singh and others,

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Arjunvir Sharma, Advocate
for the appellants.

Mr. Pardeep Kumar, Advocate
for Mr. Sanjiv Pabbi, Advocate
for the 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 by the claimants/appellants for enhancement of compensation. Brief facts are that on 6.10.1995, the deceased-Tehal Singh along with Krishan Kumar was going on a scooter, and when they reached near New Housing Board Colony, Barnala, the offending truck came from Sirsa side and struck against the scooter, as a result of which both the scooterists received multiple injuries and Tehal Singh eventually died.

The Tribunal held the driver of the offending truck responsible for causing the accident. The deceased was a contractor with the Public Health Department and was income tax assessee. His monthly income was assessed at ₹ 2900/-. After deducting 1/3rd towards his own expenses,

dependency came to be ₹ 1830/- and after applying multiplier of 15, a sum of ₹ 3,29,400/- was awarded as compensation. Besides this, a sum of ₹ 5000/- was awarded towards loss of consortium to the widow and for loss of love and affection to the minors.

Counsel for the appellants has argued that since there are five claimants including the mother, deduction should be $\frac{1}{4}^{\text{th}}$ instead of $\frac{1}{3}^{\text{rd}}$. He has further argued that a meager amount has been awarded towards loss of consortium and loss of love and affection and that nothing has been awarded towards funeral expenses. He has placed reliance on the decisions of the Hon'ble Supreme Court in Rajesh and others vs Rajbir Singh and others, 2013(9) SCC 54, and Vimal Kanwar and others vs Kishore Dan and others, (2013-3) PLR 776.

Keeping in view the facts and circumstances of the case, I direct that deduction in this case would be $\frac{1}{4}^{\text{th}}$. I also award ₹ 45,000/- towards loss of consortium and ₹ 50,000/- for loss of love and affection to appellant No.1, ₹ 25,000/- each to appellants No.2, 4 and 5 towards loss of love and affection, and ₹ 50,000/- to appellant No.3 towards loss of love and affection. I further award ₹ 10,000/- as funeral expenses. Rate of interest would be 8% pa from the date of application till the date of realization.

It is made clear that apart from the amounts awarded in favour of the claimants individually, the apportionment and the management of the compensation amount would be as per the direction of the Tribunal.

(AJAY TEWARI)
JUDGE

February 09, 2016
'kk'

