206.

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.4987 of 2004 (O&M)
Date of decision:11.05.2016

Mrs. Narinder Kaur and others ... Appellants

versus

Punjab State Sports Council .... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Ashwani Arora, Advocate,
for the appellants.

Mr.Swarn Tiwana, Advocate,
for Mr. Gitish Bhardwaj, Advocate,
for the respondent.

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1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ? No.
3. Whether the judgment should be reported in the digest ?No.

K.Kannan, J. *(Oral)*

1. The appeal is for enhancement of compensation for death of a male aged 36 years. The accident had taken place on 29.05.2001. He was said to be a tailor who undertook the work on contract for supplies to Companies and at the trial, evidence was given through some private Companies which had made remittances after deducting tax at source. The Tribunal took the income at ₹10,000/- finding that the payments made before his death

aggregated to about ₹11,300/- per month but found that all those remittances could not have been his income and there must have been substantial amount to spent for payment of wages to other employees for running the proprietary concern. I notice that for the assessment year 2001-02, the non-taxable limit was only upto ₹50,000/- per annum and if the Tribunal was taking the income of the deceased at ₹10,000/- per month for a person who is not even paying income tax, I would find that it has done reasonably a fair estimate and would not require further escalation as canvassed. The counsel argues however that he was less than 40 years of age and the court should also make a prospect of scope for increase. While the prospect of increase certainly to be applied even in cases in all private employments, I will not mindlessly make it by another 50% without considering the fact that he was not an income tax assessee. I will make only a modest increase taking the income at ₹12,000/- and apply 1/4th deduction for personal expenses and take the contribution to the family at ₹9,000/-. He was 36 years of age and the multiplier that would be applicable would be 15 against 16 which has been taken by the Tribunal. I will allow for loss of consortium at ₹1 lakh and loss of love and affection for the children at another ₹1 lakh. Considering the fact that the accident was of the year 2001, the provision for interest itself secure adequate amount to yield larger sums towards the component of love and affection. The several heads of claims are tabulated as under:-

Accident	29.05.2001		
Age	36		
Occupation			
Claimants	Widow, 3 minor children		
	Heads of claim	**Tribunal**	**High Court**
Sr. No.		Amount (₹)	Amount (₹)
1.	Income	10,000	12,000
2.	Add,% of increase 30%/50%		
3.	Deduction ½, 1/3, ¼, 1/5	7,000	9,000 (¼)
4.	Multiplicand		1,08,000
5.	Multiplier		15
6.	Loss of dependence		16,20,000
7.	Medical expenses		
8.	Loss of consortium		1,00,000
9.	Loss of love and affection		1,00,000
10.	Loss to estate		5,000
11.	Funeral expenses		10,000
	Total	13,44,000	18,35,000

The compensation shall aggregate to ₹18,35,000/- and the amount in addition to what has already been awarded will attract interest at 7.5% from the date of petition till date of payment. The additional amount will be distributed equally amongst the widow and children. The liability shall be in the same manner as assessed by the Tribunal.

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

(K.KANNAN)
JUDGE

11.05.2016
sanjeev

SANJEEV KUMAR
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I attest to the accuracy and
integrity of this document