

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

FAO No. 4453 of 2003 (O&M)

Date of decision : June 02, 2016

Raj Kaur @ Rajinder Kaur and others,

..... Appellants.

v.

State of Punjab and others,

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Gurcharan Singh Bains, Advocate
for Mr. Vijay Sharma, Advocate
for the appellants.

Mr. Rajesh Mehta, Addl. AG Punjab
for respondents No.1 and 2.

Mr. MS Dhaliwal, Advocate
for Mr. Ranjit Singh, Advocate
for respondent No.3.

Mr. Neeraj Khanna, Advocate
for Mr. Ravinder Arora, Advocate
for respondent No.8.

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 against the Award dated 03.08.2002, passed by the MACT Sangrur for enhancement of compensation.

Brief facts of the case are that the deceased-Jarnail Singh was working as a carpenter in a saw mill and was earning ₹ 3000/- per month. At the time of his death, age of the deceased was 33 years. On 16.01.1998, the deceased was travelling in a jeep which was being driven by Jaswant Singh. At 08.30 am, when the jeep reached near Gurdwara, Mastuana Sahib, the offending bus, being driven by respondent No.4, came in a rash and negligent manner struck against the jeep, as a result of which occupants of the jeep suffered serious injuries and the deceased-Jarnail Singh died.

The Tribunal held the driver of the offending bus responsible for causing the accident and awarded a total compensation of ₹ 2,88,000/- to the claimants/appellants.

Counsel for the appellants has argued that once the age of the deceased was taken to be 33, the Tribunal erred in applying the multiplier as 12, and in view the decision of the Hon'ble Supreme Court in Sarla Verma and others vs Delhi Transport Corporation and another,

AIR 2009 (SC) 3104, multiplier has to be 16. Counsel for the Insurance

Company has accepted this.

Counsel for the appellants has further argued that once there are four dependents, deduction should be $1/4^{\text{th}}$ instead of $1/3^{\text{rd}}$. Counsel for the Insurance Company has accepted this also.

Counsel for the appellants has further argued that nothing has been awarded on account of funeral expenses, loss of consortium and loss of love and affection. I find this to be correct and consequently award a sum of ₹ 10,000/- as funeral expenses, a sum of ₹ 50,000/- to appellant No.1 for loss of consortium, and ₹ 50,000/- for loss of love and affection. I further award ₹ 25,000/- to the minor son (appellant No.2) for loss of love and affection, and a sum of ₹ 50,000/- each to appellant No.3 i.e the minor daughter and proforma respondent No.9 i.e mother for loss of love and affection. The finding of contributory negligence recorded by the Tribunal is also upheld. Consequently, respondents No.1 to 8 are held liable jointly and severally; respondent No.1 to 4 would be liable to pay half the amount and respondents No.6A to 8 would pay the remaining amount. The enhanced amount shall carry interest @ 8% pa from the date of filing of the application till the date of payment. Apart from the individual amounts awarded, the entire amount shall be shared equally among the appellants. Since the children have

become major now, their shares be handed over to them. The share of

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respondent No.9 be put in a fixed deposit for 3 years in a nationalized bank and she would be entitled to quarterly interest thereon. The appeal stands disposed of.

June 02, 2016
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(AJAY TEWARI)
JUDGE