IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CM-225-CII-2016 in/and
FAO No. 2902 of 2004 (O&M)
Date of decision: 18.05.2016.

Kanchan and others

..... Appellants

versus

Subhash Kasana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Rishav Jain, Advocate
for the appellants.

Mr. R.C. Kapoor, Advocate
for respondent No. 3.

1. Whether Reporters of local papers 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)

CM-225-CII-2016

For the reasons recorded, the application is allowed. The main case is taken up for hearing today itself.

FAO No. 2902 of 2004

This appeal has been filed by the claimants for the enhancement of compensation on account of death of deceased Keshyap in a motor vehicular accident on 2.12.1999. The Tribunal awarded a total sum of ₹ 2,16,000/- as compensation to the claimants alongwith interest @ 9% per annum.

Learned counsel for the appellants has argued that since the deceased was 28 years old at the time of his death, the multiplier of 17 had to be applied and not 15. To support this contention, he relies upon authority "***Sarla Verma and others vs. Delhi Transport Corporation and another*"*2009 (3) RCR (Civil) 77.*** Learned counsel for the respondent-Insurance Company has fairly accepted this position. In these circumstances, the multiplier of 17 would be applicable in the present case.

Learned counsel for the appellants has further argued that the income taken by the Tribunal as ₹ 1500/- per month was inadequate. I find this to be correct submission and in my opinion the income should have been ₹ 1650/- per month. Ordered accordingly.

Learned counsel for the respondent No. 3- Insurance Company has stated that the dependency had to be @ 1/3rd since there were only three dependents. I find it to be a correct submission and it is held that deduction of 1/3rd should be applied.

Learned counsel for the appellants has further relied upon the decision of the Supreme Court in the case of ***Rajesh and others v. Rajbir Singh and others*** reported as ***2013 (9) SCC 54*,** where an amount of ₹ 1 lac was awarded towards loss of consortium to the widow and ₹ 1 lac each to three minor children for loss of care and guidance. Learned counsel for the appellants has further argued that under conventional heads very less amount has been awarded and has relied upon the decision of the Supreme Court in ***Vimal Kanwar and others vs. Kishore Dan and others, (2013-3) PLR 776*,** where the Hon'ble Supreme Court awarded a sum of ₹ 1 lac to the widow and a sum of ₹ 2 lac to the minor girl and ₹ 1 lac to the mother on account of loss of love and affection, and another sum of ₹ 1 lac towards loss of consortium to the widow. Learned counsel for the respondent No. 3 is not in a position to deny these contentions.

I find it to be correct and consequently award a sum of ₹ 50,000/- to appellant No. 1 on account of consortium and another sum of ₹ 50,000/- to her on account of loss of love and affection. Similarly, the two minor sons are awarded a sum of ₹ 25,000/- each on account of loss of love and affection. The enhanced amount shall carry interest @ 8% per annum from the date of filing the claim petition till today. Apart from the individual enhancements, the entire enhanced amount will go to the share of the appellant No.1-widow.

The appeal stands disposed of in the above said terms.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

MAY 18, 2016 **(AJAY TEWARI)**
Shalini/Harish **JUDGE**