

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

FAO No.1629 of 2005
Date of decision: 12.02.2016

Raj Rani and others

..... Appellants

VERSUS

Mahi Pal and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Neeraj Khanna, Advocate,
for the appellants.

Mr. Nitin Goyal, Advocate for
Mr. Sanjiv Gupta, Advocate,
for respondent No.2.

Ms. Vandana Malhotra, 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 ?

K.KANNAN, J. (ORAL)

1. The appeal is for enhancement of claim for compensation for death of a male, whose age was recorded to be 30 years and stated to be 29 years by the wife. The claimants are widow, two minor children and parents. He was said to be Supervisor in a private company and drawing ₹4,000/- as income. The salary certificate has been produced. The Court applied 1/3rd deduction for personal expenses, adopted a multiplier of 17 and assessed compensation of ₹5,51,000/- that included ₹5,000/- for loss of consortium and ₹2,000/- as funeral expenses.

2. The appeal makes a claim for enhancement seeking for a consideration for prospect of increase in income in future, apply for the deduction of 1/4th in the manner contemplated in Sarla Verma Vs. DTC 2009(6) SCC 121, provide higher sums for loss of consortium, for loss of love and affection and for funeral expenses.
3. For an employee in a private company working as Supervisor, there ought to have been an assured income in future. I will provide 50% as future prospect for increase, make a deduction of 1/4th and apply a multiplier of 16 taking the age as found in the PMR. I will also provide ₹1 lac for loss of consortium to the widow and considering that the accident took place in the year 2002 and the interest on compensation will also secure additional sums to bring it at par to the sums now awarded, I will provide it for loss of love and affection for each of child at ₹50,000/- and provide ₹25,000/- each for parents. The various heads of claims are tabulated as under:-

FATAL ACCIDENTS			
	Date of accident	27/04/2002	
Age:		33 years	
Occupation	Supervisor		
Claimants	Widow, 2 children and Parents		
	Heads of claim	Tribunal	High Court
Sl. No.		Amount (Rs.)	Amount (Rs.)
1	Income	4,000/-	4,000/-
2	Add, % of increase 30%/50%		6,000/-
3	Deduction 1/2, 1/3, 1/4, 1/5	1/3 rd	4,500/- (1/4 th)
4	Multiplicand (annualised)		54,000/-
5	Multiplier	17	16
6	Loss of dependence		8,64,000
7	Medical expenses		
8	Loss of consortium	5000	1,00,000/-
9	Loss of love and affection		1,50,000/-
10	Loss of estate		5,000/-
11	Funeral Expenses	2,000/-	15,000/-
	Total	5,51,000/-	11,34,000/-

4. The amount payable as compensation shall be ₹11,34,000/- and the additional amount over what has already been provided by the Tribunal shall also attract interest @7.5% from the date of petition till the date of payment.

5. The Insurance Company itself has not preferred an appeal against the liability cast on the insurer and I am not prepared to reopen the said issue for the benefit of the insurer.

6. Under these circumstances, I direct right of enforcement of the claims as available against the insurer and the owner and the driver shall be indemnified, as already found by the Tribunal. The amount determined shall be distributed amongst widow, children and parents in the ratio of 2:2:1:1.

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

12.02.2016

Bhumika

**(K.KANNAN)
JUDGE**