

201.

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

**FAO No.2428 of 2005 (O&M)**

Date of decision:23.04.2016

Satnam Kaur

... Appellant

versus

Malkiat Singh

.... Respondent

**CORAM: HON'BLE MR. JUSTICE K. KANNAN**

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Present: Mr.Ajay Kumar Sharma, Advocate,  
for the appellant.

Mr. Vipul Sharma, Advocate,  
for Mr. Paul S. Saini, Advocate,  
for respondent No.2-National Insurance Company.

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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.

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**K.Kannan, J. (Oral)**

1. The appeal is for enhancement of compensation for death of a male aged 32 years. The accident had taken place on 31.03.2002. He was said to be an Electrician and the Tribunal took the income as ₹2,500/-. The claimants were widow, 2 minor children and mother. The children were aged 2 and 8 months respectively. The Tribunal awarded a compensation of ₹2,50,000/-.

2. I take the income as assessed, provide for a prospect of increase by 50% and considering the fact that he was an electrician

and he would have surely earned an increase in income over a period of time, I will make a provision for 1/4<sup>th</sup> deduction, apply a multiplier of 16. I will provide for ₹1 lakh towards loss of consortium and ₹1 lakh for loss of love and affection for the children as well as the parents and the interest awarded from the date of petition itself will factor the amounts which are now being awarded for loss of consortium and for loss of love and affection as per the decision in **Rajesh Versus Rajbir Singh-2013(9) SCC 54.**

The several heads of claims are tabulated as follows:-

|            |                              |                 |                               |
|------------|------------------------------|-----------------|-------------------------------|
| Accident   | 31.03.2002                   |                 |                               |
| Age        | 32                           |                 |                               |
| Occupation | Electrician                  |                 |                               |
| Claimants  | Widow, 2 children and mother |                 |                               |
|            | Heads of claim               | <b>Tribunal</b> | <b>High Court</b>             |
| Sr. No.    |                              | Amount (₹)      | Amount (₹)                    |
| 1.         | Income                       | 2,500           | 2,500                         |
| 2.         | Add,% of increase 30%/50%    |                 | 3,750                         |
| 3.         | Deduction ½, 1/3, ¼, 1/5     |                 | 2,812.50 (1/4 <sup>th</sup> ) |
| 4.         | Multiplicand                 |                 | 33,750                        |
| 5.         | Multiplier                   |                 | 16                            |
| 6.         | Loss of dependence           |                 | 5,40,000                      |
| 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                        | 2,50,000        | 7,55,000                      |

There shall be an aggregate of ₹7,55,000/- and the additional compensation over what has been awarded will attract interest at 7.5% from the date of petition till date of payment. The additional

amount shall be distributed in the ratio of 2:2:2:1 amongst the widow, children and mother respectively. The liability shall be on the Insurance Company as already determined.

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

**(K.KANNAN)**  
**JUDGE**

23.04.2016  
sanjeev