

209.

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

FAO No. 3757 of 2005 (O&M)

Date of decision:20.05.2016

Amarjit Kaur and others

... Appellants

versus

Amrik Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Surender Deswal, Advocate,
for the appellants.

Mr. Suvir Dewan, Advocate,
for respondent No.4.

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 claim for compensation for death of a male aged 22 years. He was said to be running raw material shop under the trade name Lali Traders. He had open an account with the bank and the bank would show a credit entry of ₹29,310/- at the time of his death. With no definite proof of income available, the Tribunal assessed the income at ₹3,000/- and assessed a compensation of ₹3,70,000/-.

2. At the relevant time of the accident, the non-taxable portion of income was ₹50,000/- and I will take the said income to

be applicable for the petitioner and not merely treat him as a person without any source of income. I am making already a provisional estimate. I will not therefore make a provision of further increase thereon. I make a deduction of ½ and apply a multiplier of 18. I will also provide for modest sum for love and affection and other scales being provided now. The scooter was said to have been fully damaged and it was claimed that the scooter was worth ₹25,000/-. I will estimate the value to be ₹15,000/- and set out the various heads of claims as under:-

Accident	01.10.2001		
Age	22		
Occupation	Raw material shop		
Claimants	Parents and 2 sisters		
	Heads of claim	Tribunal	High Court
Sr. No.		Amount (₹)	Amount (₹)
1.	Income	3,000	50,000 annually
2.	Add,% of increase 30%/50%		
3.	Deduction ½, 1/3, ¼, 1/5		25,000
4.	Multiplicand		25,000
5.	Multiplier		18
6.	Loss of dependence		4,50,000
7.	Medical expenses		
8.	Loss of consortium		
9.	Loss of love and affection		1,00,000
10.	Loss to estate		5,000
11.	Funeral expenses		10,000
12.	Damage to scooter		15,000
	Total	3,70,000	5,80,000

The aggregate of compensation shall be ₹5,80,000/- and the additional amount of compensation of what has been awarded already by the Tribunal will attract interest at 7.5% from the date of

petition till date of payment. The additional amount will be distributed equally amongst the parents only. The liability shall be on the insurer.

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

(K.KANNAN)
JUDGE

20.05.2016
sanjeev