

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No. 1812 of 2007

Date of decision : March 17, 2016

Jarnail Singh (dead) through LR,

..... Appellants

v.

Luder Mani and others,

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Arvind Kashyap, Advocate
for the appellants.

Ms. Richa Mittal, Advocate
for Mr. RC Gupta, Advocate
for respondent No.3.

Mr. JL Goel, Advocate
for respondents No.4 and 5.

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 of the Tribunal for enhancement. Brief facts are that on 30.10.2003 Baljinder Singh and Labh Kaur (since deceased) were travelling on a scooter and at about 2 pm when they reached the revenue limits of village Jatana Nicha, a TATA 207, being driven by respondent No.1 rashly and negligently, came from Ludhiana side and was overtaking the scooter, and at the same time, a Honda City car being driven by respondent No.4 rashly and negligently came and struck against the TATA 207 vehicle and then TATA 207 vehicle struck against the

scooter. As a result of this accident, both the scooterists received injuries and Labh Kaur later-on succumbed to her injuries. The Tribunal held respondent No.1 responsible for causing the accident and awarded a lump sum compensation of ₹ 1.50 lac. Respondents No.1 to 3 were held liable to pay the compensation amount jointly and severally.

Counsel for the appellant has argued that the Tribunal has erred in awarding lump sum amount. As per him, the deceased was 50 years of age at the time of accident and the compensation had to be worked out on the multiplier-dependency system.

Counsel for the respondent/Insurance Company is not in a position to deny this.

Consequently, in the facts and circumstances of the case, monthly income of the deceased is taken as ₹ 3000/-, in view of the decision in Lata Wadhwa and others v. State of Bihar and others reported as 2001(4) RCR(Civil) 673, where the Hon'ble Supreme Court had evaluated the contribution of a house wife at ₹ 3000/- per month. Multiplier in this case would be 13. Besides this, I award a sum of ₹ 25,000/- as funeral expenses. I further award a sum of ₹ 50,000/- for loss of consortium and ₹ 50,000/- for loss of love and affection. It is made clear that the lump sum amount of ₹ 1,50,000/- already awarded would be deducted from the enhanced amounts. Rate of interest would be @ 8% pa from the date of application till the date of payment.

This appeal stands disposed of in the above terms.

(AJAY TEWARI)
JUDGE

March 17, 2016
`kk'

