

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.2240 of 2006

Date of Decision.19.01.2016

Veerpal Kaur and others

.....Appellants

Vs.

Prahlad Singh and others

.....Respondents

Present: Mr. Parminder Singh, Advocate
for the appellants.

Mr. Sukhraj Singh Brar, Advocate
for respondent No.1.

Mr. Pardeep Goyal, Advocate
for respondent No.2.

None for respondent No.3.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

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?

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K. KANNAN J. (ORAL)

1. The appeal is for enhancement of compensation brought at the instance of the parents and daughter. The wife who was already party before the Tribunal has been arrayed as respondent. The deceased was a second driver in the vehicle which was owned by the 1st respondent. The accident had taken place when the driver swerved the vehicle to one side to avoid hitting a cattle that was crossing the road. The vehicle turned turtle and the second driver died.

2. The accident had taken place on 18.05.1995 that is prior to the coming to the force of the Motor Vehicles Act of 1988. The Tribunal assessed a compensation of ₹1,44,000/- and made the insurer liable.

The limit of liability for the insurance company itself was ₹1,50,000/- as per the provisions of the Act of 1939.

3. If increase of compensation were to be provided, I will take the income as already taken as ₹1200/- per month and make a prospect of increase in income at 50% and apply a multiplier of 17 against 15 already taken by the Tribunal. The amount is reworked to provide for ₹25000/- as loss of consortium to the wife considering to the fact that the accident is of the year 1985 and provision for interest will take care of the amount itself reasonably. It must be again noticed that the wife herself has not preferred an appeal and the counsel appearing on behalf of the parents states that it was perhaps on account of the fact that the wife has remarried. I will still provide to her modest amount for loss of consortium and provide for loss of love and affection again modestly considering the case as one that arose in the year 1985. The various heads of claims are tabulated as under:-

FATAL ACCIDENTS			
Date of accident 18.05.1995			
Age			
Occupation			
Claimants	Mother, father, daughter and wife		
	Heads of claim	Tribunal	High Court
Sl. No.		Amount (Rs)	Amount (Rs.)
1	Income	1200	1200
2	Add, % of increase 50%		1800
3	Less, Deduction	800	1350
4	Multiplicand (annualized by multiplying 12)		16,200
5	Multiplier	15	17
6	Loss of dependence		2,75,000
7	Medical Expenses & Transportation		
8	Loss of Consortium		25,000

FATAL ACCIDENTS			
Date of accident 18.05.1995			
9	Loss of love and affection		25,000
10	Loss to estate		5,000
11	Funeral expenses		5,000
	Total	1,44,000	3,35,000

4. The total compensation payable will be ₹3,35,000/-. The additional amount of what had already been provided by the Tribunal shall also attract interest @6% per annum from the date of petition till the date of payment. The additional amount of compensation that has been provided will be distributed in such a way that the daughter gets twice as much as of each of the parents of the deceased and the widow who is reported to have remarried. The distribution shall, therefore, be in the ratio of 1:1:2:1 respectively amongst the mother, father, daughter and the widow of the deceased. The liability in excess of ₹1,50,000/- with interest will be borne by the 1st respondent.

5. The award passed by the Tribunal stands modified and the appeal is allowed to the above extent.

(K. KANNAN)
JUDGE

January 19, 2016
Pankaj*