208.

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.4075 of 2007(O&M)
Date of decision:07.04.2016

Baljit Kaur and others ... Appellants

versus

Tarsem Singh and others .... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Tarundeep Kumar, Advocate,
for Mr. D.S. Pheruman, Advocate,
for the appellants.

Mr. Ajai Pal Singh Brar, Advocate,
for respondent No.1.

Mr. S.S. Sidhu, Advocate,
for respondent No.3.

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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.

K.Kannan, J. *(Oral)*

1. The appeal is for enhancement of compensation for death of a male aged 26 years who was a helper in Amritsar Aviation Club, Civil Airport, Rajasansi, drawing a gross income of ₹8,500/- and after deduction of conveyance allowance it was ₹8,218. The Tribunal deducted also the contribution to provident fund and provided for a compensation of ₹7,24,950/-.

2. I will rework the compensation, taking the gross income minus conveyance allowance at ₹8,218, apply a prospect of increase of income at 50%, provide for 1/4th deduction for personal expenses. So reckoned, the contribution to the family was ₹9,245.25 and applying a multiplier of 17 and providing ₹1 lakh as loss of consortium and ₹50,000/- for love and affection for each one of the minor children and mother, considering the fact that the provision of interest itself will take care of the amount that have been granted in and after the decision in ***Rajesh Versus Rajbir Singh-2013(9) SCC 54***. The total compensation will be ₹21,51,031/-. The several heads of claims are tabulated as under:-

Accident	06.12.2004		
Age	26		
Occupation	Helper, Aviation Club ₹6,971		
Claimants	Widow, 2 children and mother		
	Heads of claim	**Tribunal**	**High Court**
Sr. No.		Amount (₹)	Amount (₹)
1.	Income	6,971	8,218
2.	Add,% of increase 30%/50%		12,327
3.	Deduction ½, 1/3, ¼, 1/5		9,245.25
4.	Multiplicand		1,10,943
5.	Multiplier		17
6.	Loss of dependence		18,86,031
7.	Medical expenses		
8.	Loss of consortium		1,00,000
9.	Loss of love and affection		1,50,000
10.	Loss to estate		5,000
11.	Funeral expenses		10,000
	Total	7,24,950	21,51,031

There shall be an award of ₹21,51,031/- and the amount in excess over what has been awarded already by the Tribunal will attract interest at 7.5% from the date of petition till date of payment.

3. It was a case where the appeal was admitted in 2007, dismissed for default in 2014 and restored immediately. The counsel for the respondent also argues that the interest shall not be provided during the time when the appellants themselves were responsible for dismissal of the case for default. The period of dismissal and the period before when restoration was ordered was minimal and, therefore, I do not propose to deny interest therefor.

4. The award shall be distributed equally amongst the widow, children and mother in the ratio of 2:2:2:1. If any of the children is minor, the amount allotable for the minor shall be held during the period of minority in a bank deposit and 75% of the same will be permitted to be withdrawn on attaining majority. If the children have already attained majority, 75% of the amount will be distributed immediately. The widow shall also have the benefit of withdrawal of 75% and the rest of 25% for the share of the widow and children will be held in deposit for a further period of 3 years, split into 3 equal portions, the first portion for a period of 1 year, 2nd portion for a period of 2 years and the 3rd portion for a period of 3 years. The amounts shall be disbursed directly to the parties under the advice to the Tribunal on the respective dates of maturity either by electronic transfer or by issuance of cheques without having to file an application for withdrawal. As regards the share of the

mother, the entire amount shall be disbursed immediately.

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

(K.KANNAN)
JUDGE

07.04.2016
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