

211.

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

**FAO No.1237 of 2008 (O&M)**

Date of decision:11.05.2016

Santosh and others

... Appellants

versus

Dalbir Singh and others

.... Respondents

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

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

Mr. Vinod Gupta, Advocate,  
for Mr. R.C. Gupta, Advocate, and  
Mr. Gourav Gupta, Advocate,  
for Mr. G.D. Gupta, 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.

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

1. The appeal is for enhancement of compensation for death of a male aged 42 years. The deceased was said to be an agriculturist owning about 5 acres of land. The claimants were widow and 4 children.

2. There was no proof adduced with reference to ownership of land and the Tribunal took the average income at ₹3,000/-. The

counsel arguing for the appellants states that at the relevant time, the minimum wage was ₹150/- per day. I cannot assume that he would have worked for all 365 days. I take the income as assessed by the Tribunal as appropriate but make for the gradual increase in income @ 30% as a prospect that would obtain in future. I will make 1/4<sup>th</sup> deduction for personal expenses, take the contribution to the family and also increase the compensation for love and affection and loss of consortium on the scales which are now being granted. The several heads of claims are tabulated as under:-

|            |                            |                 |                   |
|------------|----------------------------|-----------------|-------------------|
| Accident   | 03.09.2004                 |                 |                   |
| Age        | 42                         |                 |                   |
| Occupation | Agriculturist              |                 |                   |
| Claimants  | Wife, 4 children           |                 |                   |
|            | Heads of claim             | <b>Tribunal</b> | <b>High Court</b> |
| Sr. No.    |                            | Amount (₹)      | Amount (₹)        |
| 1.         | Income                     | 3,000           | 3,000             |
| 2.         | Add,% of increase 30%/50%  |                 | 3,900             |
| 3.         | Deduction ½, 1/3, ¼, 1/5   |                 | 2,925             |
| 4.         | Multiplicand               |                 | 35,100            |
| 5.         | Multiplier                 |                 | 14                |
| 6.         | Loss of dependence         |                 | 4,91,400          |
| 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                      |                 | 7,06,400          |

The aggregate of compensation shall be ₹7,06,400/- and the amount in addition to what has been already awarded will attract interest at 7.5% from the date of petition till date of payment. The amount shall

be distributed equally amongst the claimants. The liability shall be in the same manner as determined already by the Tribunal.

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

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

11.05.2016  
sanjeev