

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

CWP No.12806 of 2014
Date of Decision:30.03.2016

Nasib Kaur and others

. . . .Petitioners

Versus

Punjab State Power Corporation Limited and others

. . . . Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.Puneet Gupta, Advocate,
for the petitioners.

Mr.Suresh Singla, Addl. A.G. Punjab.

Mr.P.C. Goyal, Advocate,
for respondent No.2.

RAKESH KUMAR JAIN, J.

Jagar Singh @ Ujagar Singh, aged 48 years, resident of Village Nandiali, died due to electrocution on 11.5.2010 because of the negligence of the respondents. The DDR was lodged vide Rapat No.15 dated 11.5.2010 at Police Station Banur, Tehsil Rajpura and the cause of death in the postmortem report was recorded due to electric burns resulting in respiratory & cardiac failure. He left behind his widow and three children. He was a Mason and having 2 acres of land. The respondents paid a sum of ₹3,12,940/- vide cheque No.977957 dated 26.5.2014 to the petitioners towards compensation. The petitioners have filed this petition on account of inadequate compensation paid to them for the loss of their sole bread earner.

Learned counsel for the petitioners has submitted that the income of the family has already been assessed to the tune of ₹1,70,000/- per annum by the Tehsildar vide his letter dated 28.12.2011. It is submitted that the deceased was 48 years of age. His monthly income was thus ₹14,166/- and after deducting 1/4th on his personal expenses it comes to ₹10,625/-, which may be multiplied with a multiplier of 13 and compensation be also awarded for funeral expenses and loss of consortium.

In this regard, he has referred to a decision of this Court rendered in **CWP No.13881 of 2011** titled as **“Surinder Kaur and another Vs. Punjab State Power Corporation Ltd. and others”** decided on 26.7.2012.

On the other hand, learned counsel for the respondents has submitted that the petitioners have already been adequately compensated by an amount of ₹3,12,940/-. The income of the family has been assessed from the land measuring 13 bighas and 3 biswas and income generated from two buffalos, which are still there and as such there was no such loss of income to the petitioners.

I have heard learned counsel for the parties and perused the record.

There is no dispute that the deceased was 48 years of age and left behind four legal heirs. It is also not disputed that he was a Mason, having 13 bigha and 3 biswa of land and 2 buffalos. The approximate income of the family has been assessed by the Tehsildar vide letter dated 28.12.2011 to the tune of ₹1,70,000/- per annum. The only question, which is to be decided, is as to how

the compensation on account of death of the Jagar Singh @ Ujagar Singh has to be assessed?

In the case of **Surinder Kaur and another (Supra)**, this Court has applied the formula, which is being applied for grant of compensation to a claim under the Motor Vehicle Act. The same formula is also being applied in this case as well. Even if the agricultural land and the Buffalos are still there, it cannot be lost sight of the fact that the deceased was a Mason by profession and also contributing to the family by his skill as agriculturists. Thus, I take the income of the deceased to the tune of ₹10,000/- per month because ₹1,70,000/- was the income of the family and after deducting 1/3rd on his personal expenses, which come to ₹3,333/-, the remaining amount of ₹6,667/- after multiplied by 13, comes to ₹10,40,052/-. The petitioners have already received ₹3,12,940/- and after deducting it from the aforesaid amount i.e. ₹10,40,052/-, the remaining amount comes to ₹7,27,112/-. The respondents shall also be liable to pay simple interest @ 9% per annum from the date of death of Jagar Singh @ Ujagar Singh till the date of realization on the amount of ₹7,27,112/-. With these observations, the present petition is hereby disposed of.

30.03.2016

Vivek

**(RAKESH KUMAR JAIN)
JUDGE**