

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

FAO No.2984 of 2009

Date of Decision.17.03.2016

Som Nath and others

.....Appellants

Vs.

Mr. Varinder Kumar alias Goldi and others

.....Respondents

Present: Mr. R.S. Chauhan, Advocate  
for the appellant.

Mr. Pardeep Goyal, Advocate  
for the respondents.

**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 for enhancement of compensation for death of a male aged 22 years. He was said to be a student of Fashion Designing and he was also said to be a Model. The contention was that he was earning ₹8000/-. The claimants were parents, brother and sister. The Tribunal took the income at ₹3000/- per month, applied a multiplier of 16 and awarded a compensation of ₹4 lacs.

2. Having regard to the fact that he was only a student at the relevant time and I would take the likely expectation of the parents as a contribution to them on the basis that he could have been earned ₹4000/- on an average and apply for 50% deduction and adopt a multiplier of 18. I will provide for ₹1 lac towards loss of love and affection for parents and retain the funeral expenses as already assessed by the Tribunal. I will also make a provision of ₹5000/- towards loss to

estate. The various heads of claim are tabulated as under:-

| FATAL ACCIDENT |                                             |                   |              |
|----------------|---------------------------------------------|-------------------|--------------|
| Age            | 22 years                                    |                   |              |
| Occupation     | Student and Model                           |                   |              |
| Claimants      | Parents, brother, sister                    |                   |              |
|                | Heads of claim                              | Tribunal          | High Court   |
| Sl. No.        |                                             | Amount (Rs)       | Amount (Rs.) |
| 1              | Income                                      | 3000              | 4000         |
| 2              | Add, % of increase                          |                   |              |
| 3              | Less, Deduction 50%                         | 1/3 <sup>rd</sup> | 2000         |
| 4              | Multiplicand (annualized by multiplying 12) | 24000             | 24000        |
| 5              | Multiplier                                  | 16                | 18           |
| 6              | Loss of dependence                          | 3,84,000          | 4,32,000     |
| 7              | Medical Expenses & Transportation           |                   |              |
| 8              | Loss of Consortium                          |                   |              |
| 9              | Loss of love and affection                  |                   | 1,00,000     |
| 10             | Loss to estate                              |                   | 5,000        |
| 11             | Funeral expenses                            | 16000             | 16,000       |
|                | Total                                       | 4,00,000          | 5,53,000     |

3. The total compensation payable shall be ₹5,53,000/-. The additional amount over what has already been provided by the Tribunal shall also attract interest @7.5% from the date of petition till the date of payment. The amount shall be distributed equally amongst the parents. The liability shall be in the same manner as determined by the Tribunal.
4. The award stands modified and the appeal is allowed to the above extent.

(K. KANNAN)  
JUDGE

March 17, 2016  
Pankaj\*