

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 4938 of 2009 (O&M)

Date of decision: 18.03.2016

Archana and another

... Appellant

versus

Jai Vinder and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Himanshu Sharma, Advocate for
Mr. Chander Shekhar, Advocate for the appellants.
Mr. Y.S. Turka, Advocate for respondent No.1.
Mr. Amandeep Rana, Advocate for respondent No.3.
Mr. Gaurav Jindal, Advocate for respondent No. 4.
Mr. Pawan K. Bhardwaj, Advocate for respondent No.6.

K.Kannan, J. (ORAL)

The appeal is for enhancement of compensation for death of a male aged 30 years. He was said to be working in a private factory and earning Rs. 7,000/- per month. The claimants were widow, minor daughter and mother. In the absence of proof of income at Rs. 7,000/-, the Tribunal took the income as labourer and took the income of labourer as Rs. 3,500/-. I provide for 1/3rd cut and apply a multiplier of 16 to provide for compensation of 5,12,936/- that includes the financial heads as well.

I will take the proof as working in a private firm as established by the assertion made by the wife but in the absence of proof of salary, I retain the income as taken by the Tribunal but will provide for prospect of increase at 50%. I will rework the compensation and on the scales provided in Sarla Verma Vs. Delhi

Transport Corporation 2009 (3) RCR (Civil) 77. The various heads of claim are tabulated as under:

<u>Fatal</u>	Date of accident	08.02.2007	
Age	30		
Occupation	Private factory/7000/-		
Claimants	Widow, minor daughter, mother		
SR. No.	Heads of claim	Tribunal Amount (Rs.)	High Court Amount (Rs.)
1	Income	3,500/-	3,500/-
2.	Add, % of increase, 30%/50%		5,250/-
3.	Deduction, 1/2, 1/3, 1/4,		3,500/-
4.	Multiplicand		42,000/-
5.	Multiplier	16	17
6.	Loss of dependence		7,14,000/-
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		25,000/-
	Total	5,12,936/-	9,94,000/-

The total compensation shall be Rs. 9,94,000/- and the amount in excess of what has been determined shall also attract interest @ 7.5% from the date of the petition till the date of payment. The amount shall be distributed in the ratio of 2:2:1 amongst the widow,

minor daughter and mother. As regards the share of the mother, the amount shall be disbursed forthwith. As regards the share of the widow, 75% of the same shall be permitted to be withdrawn considering the fact that the accident had taken place 9 years earlier, 25% of the same shall be retained for further period of 4 years after splitting the same in four equal parts, the 1st portion for a period of one year, the 2nd portion for a period of two years and so on for four years. As regards the share of the daughter, entire amount shall be retained in the nationalized bank deposit during the period of minority. After attaining majority 75% of the amount shall be disbursed to her and the balance 25% will be dealt in the same manner as provided for the share of the widow. The amount shall be disbursed directly on the respective dates of maturity to the claimants respectively.

The award stands modified and the appeal is allowed to the above extent. The liability shall be on the Insurance Company as already determined.

(K.KANNAN)
JUDGE

18.03.2016

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