203.

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.1580 of 2010 (O&M)
Date of decision:28.01.2016

Raj Mohini @ Pinki and another ... Appellants

versus

Balwinder Singh and others .... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. R.S. Bajaj, Advocate,
for the appellants.

Mr. Vinod Chaudhary, Advocate,
for Mr. Rajesh Verma, Advocate,
for respondent No.3.

K.Kannan, J. *(Oral)*

1. There is a plea for adjournment on behalf of the insurer. Since it is an appeal for enhancement on the ground that the scales of compensation have not been worked out in the manner determined under the decisions of the Supreme Court, I directed the counsel for the appellants to argue the case on merits. The scales of compensation are fairly certain and it is unfortunate that the insurer must only put the case through a compulsory adjudication instead of availing good occasion through the offices of the Lok Adalat to settle the matter.

2. The deceased was a doctor in a government service, earning ₹15,037/- at the time of the accident on 30.11.2005. He was 49 years of age and the claimants are wife and minor son. Considering the fact that the death had taken place in the year 2005 when the earning would have been sufficient to suffer a tax liability as well, I make a provision for prospect of increase at 30%, make a deduction at 10% as going towards income tax and apply a multiplier of 13. I will provide for ₹1 lakh towards loss of consortium to the wife and a like amount for loss of love and affection to the child and provide for conventional sum at a modest rate at ₹10,000/- loss to estate and funeral expenses each. I tabulate the various heads of compensation as follows:-

Accident	30.11.2005		
Age	49		
Occupation	Doctor		
Claimants	Wife and minor son		
	Heads of claim	**Tribunal**	**High Court**
Sr. No.		Amount (₹)	Amount (₹)
1.	Income	15,037	15,037
2.	Add,% of increase 30%/50%		19,548.10 less 10% 17,593.29
3.	Deduction 1/3		11,728.86
4.	Multiplicand		1,40,746.32
5.	Multiplier		13
6.	Loss of dependence		18,29,702.16
7.	Medical expenses		
8.	Loss of consortium		1,00,000
9.	Loss of love and affection		1,00,000
10.	Loss to estate		10,000
11.	Funeral expenses		10,000
	Total	12,14,000	20,49,702.16 rounded off to ₹20,50,000

There shall be an award of ₹20,50,000/- and the amount in addition of what has been awarded already by the Tribunal, will attract interest at 7.5% per annum from the date of petition till date of payment. The amount will be distributed equally amongst the widow and the son.

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

(K.KANNAN)
JUDGE

28.01.2016
sanjeev