

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

**X Objection No.41-CII of 2006 in
IOIN FAO No.2930 of 2006
Date of Decision.12.07.2016**

The Kot Kapura Bus Service (P) Ltd. MogaAppellant

Vs.

Amarjit Kaur etc.Respondents

Present: Ms. Jagdeep Bains, Advocate
for the cross objectors/respondents No.1 and 2.

None for the appellant.

None for respondent Nos.3 and 4.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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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AMIT RAWAL J. (ORAL)

The cross objection has been filed for enhancement of compensation for death of a male aged 17 years. The claimants are the parents. The accident had taken place on 10.03.2005 when the deceased Gurpreet Singh alias Gagga was coming back from his shop with his elder brother on their bicycles. A bus bearing No.PB-02W-9995, which was driven by respondent No.1 (in claim petition) and respondent No.4 in the cross-objection in a rash and negligent manner, came from opposite side and dashed against the bicycle of the deceased, as a result of which he died on the spot. The deceased was said to be running an electric shop, repairing the electric goods and also used to help his father in agricultural work. He

was said to be earning ₹7000/- per month.

Ms. Jagdeep Bains, learned counsel for the claimants-respondents submits that the Tribunal has grossly erred in assessing the compensation at ₹1,00,000/- including funeral expenses and loss to estate, as it did not provide appropriately for various heads of claim viz; loss of love and affection, loss to estate and funeral expenses, much less, had not assessed the income of the deceased separately and applied a multiplier on the same suitable to the age of the deceased.

I have heard the learned counsel for the cross objectors/respondents, appraised the paper book and of the view that the award passed by the Tribunal is grossly indiscreet as it does not satisfy the parameters laid down by the Supreme Court in **Sarla Verma Vs. DTC 2009 (6) SCC 121.** Keeping in view the fact that the deceased was a young boy of 17 years and was running an electric shop and was also used to help his father in agricultural work, I will assess the income of the deceased at ₹2400/- per month, adopt a deduction of 50% for personal expenses and apply a multiplier of 18 suitable to the age of the deceased. The loss of dependence will be ₹2,59,200/-. In addition to this, I will provide for ₹50,000/- towards loss of love and affection to the parents, ₹25,000/- towards funeral expenses and ₹10,000/- towards loss to estate.

In aggregate, the total compensation payable shall be ₹3,44,200/-. The amount in excess 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. Since, the appeal filed by the owner against the finding of the Tribunal whereby it absolved the insurance company from liability, has been accepted by this Court in FAO No.2930 of 2006 vide

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the insurance company jointly and severally. The amount of compensation shall be distributed equally amongst the claimants.

The award passed by the Tribunal is modified and the cross objection is allowed to the above extent.

**(AMIT RAWAL)
JUDGE**

July 12, 2016
Pankaj*