

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

FAO No. 1680 of 2011 (O&M)

Date of decision: 03.03.2016

Sukhdev Singh and another

... Appellants

versus

Ramesh Kumar and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Gaurav Garg, Advocate, for
Mr. S.M. Sharma, Advocate for the appellants.

Ms. Anamika Mehra, Advocate, for the respondent.

K.Kannan, J. (ORAL)

The appeal is for enhancement of claim for compensation for death of a male aged 27 years. The deceased was said to be an LIC agent and also doing the agricultural operations and making the living. In the absence of any documentary evidence, the Tribunal took the income at Rs. 2,400/-, made a deduction of ½ and allowed for compensation of Rs. 1,20,000/-.

The scales of compensation have become reasonable certain, thanks to the judgment in Sarla Verma Vs. Delhi Transport Corporation, 2009 (3) RCR (Civil) 77, Rajesh and others Vs. Rajbir Singh and others, 2013 (9) SCC 54 providing for the compensation to be granted for love and affection to appellants as well. In Munna Lal

Jain and another Vs. Vipin Kumar Sharma and others, (2015) 6 SCC 347, the Court has also clarified that the choice of multiplier will depend on the age of the deceased and not on the age of the parents. I have reworked the compensation and tabulate the various heads as under.

<u>Fatal</u>	Date of accident	13.05.2008	
Age	27		
Occupation	LIC Agent		
Claimants	Parents		
SR. No.	Heads of claim	Tribunal Amount (Rs.)	High Court Amount (Rs.)
1	Income	2,400/-	2,400/-
2.	Add, % of increase, 30%/50%		3,500/-
3.	Deduction, 1/2, 1/3, 1/4,		1,700/-
4.	Multiplicand		21,000/-
5.	Multiplier		17
6.	Loss of dependence		3,57,000/-
7.	Medical Expenses		
8.	Loss of Consortium		
9.	Loss of love and affection		1,00,000/-
10.	Loss to estate		5,000/-
11.	Funeral Expenses		25,000/-

	Total	1,20,000/-	4,87,000/-
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The total award shall be Rs. 4,87,000/- and the additional compensation shall also attract interest @ 7.5% from the date of the petition till the date of payment. The liability shall be on the insurer. The amount shall be equally distributed between the parents. The award is modified and the appeal is allowed to the above extent.

(K.KANNAN)
JUDGE

03.03.2016
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