

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

FAO No. 5404 of 2010 (O&M)

Date of decision: January 12, 2016

Suman Jyoti and another

...Appellants

Versus

Manoj Kumar and others

...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?**

Present: Mr. Ranjit Sharma, Advocate,
for the appellants.

Mr. Tajender Joshi, Advocate,
for respondents No. 3.

K. KANNAN, J. (Oral)

1. The appeal is for enhancement of compensation for a death of a constable aged 35 years. The accident took place on 5.7.2008. The claimants were widow, mother and son. He was earning ₹14,563 at the time of his death. The Tribunal took the income at ₹10,000/-, applied a multiplier of 12 and provided for a compensation of ₹9,60,000/- by also adding some conventional sums for loss of estate and funeral expenses etc.

2. The scales of compensation have become reasonably certain as regards the prospect of increase, deduction to be applied and the multiplier to be considered in terms of the judgment in Sarla Verma Versus Delhi Transport Corporation 2009 (6) SCC 121. Further innovation in Rajesh and

others Versus Rajbir and others 2013 (9) SCC 54 and others judgments ought to provide for still higher sum for loss of consortium and for love and affection for parents and son. If the amounts must be re-worked in the light of the judgments, it requires to be appropriately tabulated and it is done as under:-

<i>Fatal Accident</i>		<i>Date of accident</i>	
Age	35	5.7.2008	
Occupation	Constable		
Claimants:	Wife, mother and son		
	Heads of claim	Tribunal	High Court
Sr. No.		Amount (₹)	Amount (₹)
1	Income	10,000	14,563
2	Add 50% of increase		21,844.50
3	Deduction (1/3)		14,563
4	Multiplicand (annualized)	80,000	1,74,756
5	Multiplier	12	15
6	Loss of dependence	9,60,000	26,21,340
7	Medical expenses		
8	Loss of Consortium		1,00,000
9.	Loss of love and affection for son and mother		1,50,000
10	Loss to estate		10,000
11	Funeral Expenses		25,000
	Total	9,60,000	29,06,340

3. There shall be total compensation of ₹29,06,340/- and the additional amount shall also attract interest @ 9% from the date of the petition till the date of payment. The entitlement shall be distributed amongst the widow, son and mother in the ratio of 2:2:1. The liability shall be in the same manner as held by the Tribunal.
4. Considering that the accident had taken place in the year 2008 and we are disposing of this appeal in the year 2016, I allow for 75% of the amount to be withdrawn and rest of 25% shall be split into six equal

portions, 1st portion for a period of one year, 2nd portion for a period of two years and so on for five years and deposited in a nationalized bank. The respective amounts on maturity shall be issued by means of cheque directly to the party without intervention of the Tribunal, however, with the advice of despatch to the Tribunal. As regards the share of the minor son, the entire amount shall be kept in a bank deposit during the period of minority and 75% shall be permitted to be withdrawn on attaining the majority and remaining 25% shall be split in five portions in the manner referred to above for the widow. As regards the share of the mother, the entire amount shall be permitted to be withdrawn without any requirement of deposit.

5. The appeal is allowed on the above terms.

January 12, 2016
prem

(K. KANNAN)
JUDGE

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

FAO No. 5404 of 2010 (O&M)

Date of decision: January 12, 2016

Suman Jyoti and another

...Appellants

Versus

Manoj Kumar and others

...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?**

Present: Mr. Ranjit Sharma, Advocate,
for the appellants.

Mr. Tajender Joshi, Advocate,
for respondents No. 3.

K. KANNAN, J. (Oral)

1. The appeal is for enhancement of compensation for a death of a constable aged 35 years. The accident took place on 5.7.2008. The claimants were widow, mother and son. He was earning Rs. 14,563 at the time of his death. The Tribunal took the income at Rs. 10,000/-, applied a multiplier of 12 and provided for a compensation of Rs. 9,60,000/- by also adding some conventional sums for loss of estate and funeral expenses etc.

2. The scales of compensation have become reasonably certain as regards the prospect of increase, deduction to be applied and the multiplier to be considered in terms of the judgment in Sarla Verma Versus Delhi

Transport Corporation 2009 (6) SCC 121. Further innovation in Rajesh and others Versus Rajbir and others 2013 (9) SCC 54 and others judgments ought to provide for still higher sum for loss of consortium and for love and affection for parents and son. If the amounts must be re-worked in the line of the judgments, it requires to be appropriately tabulated and it is done as under:-

<i>Fatal Accident</i>		<i>Date of accident</i>	
Age	35	5.7.2008	
Occupation	Constable		
Claimants:	Wife, mother and son		
	Heads of claim	Tribunal	High Court
Sr. No.		Amount (₹)	Amount (₹)
1	Income	10,000	14,563
2	Add, % of increase		21,844.50
3	Deduction		14,563
4	Multiplicand (annualized)	80,000	1,74,756
5	Multiplier	12	15
6	Loss of dependence	9,60,000	26,21,340
7	Medical expenses		
8	Loss of Consortium		1,00,000
9.	Loss of love and affection for son and mother		1,50,000
10	Loss to estate		10,000
11	Funeral Expenses		25,000
	Total	9,60,000	2,906,340

3. There shall be total compensation of Rs. 2,906,340/- and the additional amount shall also attract interest @ 9% from the date of the petition till the date of payment. The entitlement shall be distributed amongst the widow, son and mother in the ratio of 2:2:1. The liability shall be in the same manner as held by the Tribunal.
4. Considering that the accident had taken place in the year 2008 and we are disposing of this appeal in the year 2016, I allow for 75% of the

amount to be withdrawn and rest of 25% shall be splitted into six equal portions, 1st portion for a period of one year, 2nd portion for a period of two years and so on for five years and deposited in a nationalized bank. The respective amounts on maturity shall be issued by means of cheque directly to the party without intervention of the Tribunal, however, with the advice of despatch to the Tribunal. As regards the share of the minor son, the entire amount shall be kept in a bank deposit during the period of minority and 70% shall be permitted to be withdrawn on attaining the majority and remaining 25% shall be splitted in five portions in the manner referred to above for the widow. As regards the share of the mother, the entire amount shall be permitted to be withdrawn without any requirement of deposit.

5. The appeal is allowed on the above terms.

January 12, 2016
prem

(K. KANNAN)
JUDGE

