

In the High Court of Punjab and Haryana at Chandigarh

FAO No.4264 of 2011 (O&M)

Date of decision: March 16, 2016

Kuldeep Kaur and others

..... Appellants

Versus

Kamaldeep Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Naresh Kaushal, Advocate for the appellants.
Mr. Vinod Gupta, Advocate and Mr. R.S. Sharma, Advocate
for respondent No.6-New India Assurance Co. Ltd.

1. *Whether Reporters of Local Newspapers 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?*

AJAY TEWARI, J. (Oral)

This appeal has been filed by the claimants for the enhancement of compensation and to modify the award dated 20.01.2011 on account of death of Ranbir Singh, aged 35 years.

Brief facts are that on 05.03.2001, deceased Ranbir Singh was going from Kharar to village Chatamla near Morinda on his scooter

bearing No.CHM-5331 and Jaswinder Singh was pillion rider. At about 3.15 p.m. when he reached in the area of village Gharuan, on Kharar-Morinda road, then a Maruti Van No.HR-07-D-2316 being driven in a rash and negligent manner by its driver i.e. respondent No.5 came from opposite side and in the process of overtaking a truck, it went on the extreme wrong side of the road and hit with the scooter of the deceased. As a result of the accident, the occupants of the scooter suffered multiple grievous injuries. Ranbir Singh died on the way to the hospital, on account of the injuries suffered by him in the accident.

The Tribunal while taking the income of ₹5,000/- per month and applying the deduction of 1/4th assessed the dependency at ₹45,000/- p.a. Further by applying the multiplier of 15 and giving ₹2,000/- towards funeral expenses awarded total compensation of ₹6,77,000/- along with interest @ 6% p.a.

Learned counsel for the appellants has argued that the Tribunal has erred in taking the salary to be ₹5,000/- per month whereas it is actually ₹5,283/- per month.

Learned counsel for the Insurance Company has fairly accepted it.

Learned counsel for the appellants has further argued that multiplier of 16 has to be applied instead of 15 as per the age of the deceased as held by the Hon'ble Supreme Court in **Sarla Verma and others Vs. Delhi Transport Corporation and another, 2009 ACJ 1298.**

Learned counsel for the appellants has further argued that as per the law laid down in **Rajesh and others Vs. Rajbir Singh and**

others reported as 2013(9) SCC 54, some amount has to be awarded on account of loss of consortium. He has further argued that 40% has to be added to the income on account of future prospects.

Learned counsel for the appellants has further argued that under conventional heads very less amount has been awarded and has relied upon the decision of the Hon'ble Supreme Court in **Vimal Kanwar and others Vs. Kishore Dan and others, (2013-3) PLR 776**.

Keeping in view the entire conspectus of facts, I award ₹23,000/- more to the appellants towards funeral expenses. I further hold that income of ₹5238/- per month should be taken. I also add future prospects in the income with the addition of 40%. I further direct that multiplier of 16 should be applied. I further award an amount of ₹01 lac each towards loss of consortium and towards loss of love and affection to the widow-appellant No.2. I further award an amount of ₹01 lac to appellant No.1-mother towards loss of love and affection. I further award an amount of ₹01 lac each to appellants No.3 and 4-minor daughters and ₹50,000/- to appellant No.5-minor son towards loss of love and affection. The enhanced amount shall be paid along with interest @ 8% from the date of filing of the claim petition till the date of realization. Apart from the individual amounts, the entire amount shall be awarded to appellant No.2-widow. However, it is made clear that the management and apportionment of the compensation shall be in the same manner as indicated in the award of the Tribunal.

The appeal is disposed of in the above terms and the award

is modified accordingly.

Since the main case has been decided, the pending Civil miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

March 16, 2016
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