

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

FAO No. 7164 of 2010 (O&M)
Date of Decision: March 31, 2016

Smt. Bharpai and another

...Appellants

Versus

Manoj Singh and others

...Respondents

ORAM:- HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. RK Saini, Advocate,
for the appellants.

Mr. Gautam Kaile, Advocate, for
Mr. Rajiv Sharma, Advocate,
for respondent No.1.

Mr. PP Sharma, Advocate, for
Mr. Puneet Sharma, Advocate,
for respondent No.3.

K. KANNAN, J. (Oral)

1. The appeal is for enhancement of claim of compensation for death of a Sub Inspector of Police working with the Haryana Government. He was 53 years of age and he died in a motor accident that took place on 22.7.2008. The documents produced before the Tribunal showed his salary to be ₹17,691 and on his death, it appears that the wife was granted the compassionate assistance the benefit of salary which her husband was receiving. The Tribunal, therefore, scaled down the loss merely at ₹20,000/- and declined to grant any compensation towards loss of dependence.

2. The judgment is erroneous and fails to factor the ruling of this

Court in Reliance General Insurance Company Limited Versus Purnima and others 2013 (2) PLR 306. No amount of financial assistance by the State government would go to reduce a liability of the tort feisor or the extent of indemnity which the insurance company had to provide. I, therefore, re-work the compensation unaffected by any way by compassionate assistance provided by the State.

3. At the time of appeal, a certificate issued by the Deputy Commissioner of Police, Faridabad is filed in this Court to say that the basic salary of the deceased was ₹18290/- and his total salary was ₹21216/-. The said certificate requires to be proved and it cannot partake character of a public document which can be received without any further proof. Furthermore, there is no justification as to why this document could not be filed before the Tribunal and appropriate evidence produced to give valid proof of salary certificate. I reject the application for additional evidence and proceed to determine the compensation on the amount as assessed and considering that the accident had taken place in 2008 when the deceased's income was ₹1,50,000/-, I will make a modest deduction of 5% for tax and applying a multiplier of 11, I will provide ₹1 lakh for loss of consortium and another ₹1 lakhs for love and affection for the unmarried daughter. Various heads of claims are tabulated as under:-

<i>Fatal Accident</i>		<i>Date of accident</i>	
Age	53		22.7.2008
Occupation	ASI		
Claimants:	Widow and daughter		
	Heads of claim	Tribunal	High Court
Sr. No.		Amount (₹)	Amount (₹)
1	Income	17,691	17691

2	Add, % of increase		
3	Deduction		11,794 less 5% tax ₹11,204.30
4	Multiplicand (annualised)		1,34,451.6
5	Multiplier		11
6	Loss of dependence		1,478,967.6
7	Medical expenses		
8	Loss of Consortium		1,00,000
9.	Loss of love and affection	10,000	1,00,000
10	Loss to estate		10,000
11	Funeral Expenses	10,000	25,000
	Total	20,000	17,13,967.6 rounded off to ₹17,140,00

4. The aggregate compensation payable shall be ₹17,140,00 /- and the amount in excess over what was awarded will also attract interest @7.5% from the date of the petition till the date of payment.

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

5. Consistent with the finding already recorded, the insurance company shall make the payment and effect recoveries against the owner who remained ex-parte before the Tribunal and set ex-parte before this Court as well.

March 31, 2016
prem

(K.KANNAN)
JUDGE