213.

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.3763 of 2012
Date of decision:10.03.2016

Banso and others ... Appellants

versus

Gurwinder Singh and others .... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Ashok Jindal, Advocate, for the appellants.

Mr. R.N. Singal, Advocate, for respondent No.3.

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1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ? No.
3. Whether the judgment should be reported in the digest ?No.

K.Kannan, J. *(Oral)*

1. The appeal is for enhancement of compensation for death of a male aged 38 years in a motor accident that took place on 19.04.2011. He was said to have been employed with Punjab Agro Food, drawing a salary of ₹10,000/-. The Tribunal had assessed a compensation of ₹12,90,000/-. The appeal is for reassessment in the light of law down by the Supreme Court providing for a prospect of increase for a settled employment at 50%, make a deduction of 1/4th for the number of dependents who were between 4 to 6 and make

also provision for loss of consortium to the wife and children and parents in the manner provided in some of the recent decisions of the Supreme Court. I have reworked the compensation and tabulate the various heads of claims as under:-

Accident	19.04.2011		
Age	38		
Occupation			
Claimants	Widow, 3 minor children and parents		
	Heads of claim	**Tribunal**	**High Court**
Sr. No.		Amount (₹)	Amount (₹)
1.	Income	10,000	10,000
2.	Add,% of increase 30%/50%		15,000
3.	Deduction ½, 1/3, ¼, 1/5		11,250
4.	Multiplicand		1,35,000
5.	Multiplier	16	15
6.	Loss of dependence		20,25,000
7.	Medical expenses		
8.	Loss of consortium	5,000	1,00,000
9.	Loss of love and affection		2,50,000
10.	Loss to estate		10,000
11.	Funeral expenses		25,000
	Total	12,90,000	24,10,000

There shall be an award of ₹24,10,000/-. The additional compensation over what has been awarded already by the Tribunal will attract interest at 9% from the date of petition till date of payment and it shall be distributed in the ratio of 2:2:2:2:1:1 amongst the widow, children and the parents.

2. As regards the share of the widow, 40% of the amount shall be permitted to be withdrawn and the remaining 60% will be divided into 6 portions and the 1st portion to be invested for a period

of 1 year, the second portion for a period of 2 years and so on upto 6 years. As regards the share of children, the entire amount of the respective shares shall be deposited in fixed deposit in a nationalized bank during the period of minority. 75% of the amount shall be permitted to be withdrawn on attaining majority and the remaining 25% of the amount shall be split into 3 portions and invested for a further period of 3 years, the first portion for a period of 1 year, the second portion for a period of 2 years and the third portion for a period of 3 years. As regards the share of the parents, the entire amount shall be permitted to be withdrawn without any fetter as to deposit. The nationalized bank in which the amounts are deposited shall release the amounts as and when they mature directly to the respective parties under advice of the Tribunal. As regards the share of children which are directed to be deposited now during the period of respective minority, the interest accruals shall be disbursed with the mother as a guardian to the children once in three months towards their maintenance.

3. The liability shall be on the Insurance Company as already found by the Tribunal. The award stands modified and the appeal is allowed to the above extent.

(K.KANNAN)
JUDGE

10.03.2016
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