

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.4269 of 2012

Date of Decision.10.03.2016

Kashmir Kaur

.....Appellant

Vs.

The Oriental Insurance Co. Ltd. and others

.....Respondents

Present: Mr. Surinder Garg, Advocate
for the appellant.

Mr. R.K. Bashamboo, Advocate for
Mr. Suvir Dewan, Advocate
for the insurance company.

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?

-.-

K. KANNAN J. (ORAL)

1. Delay of 349 days in filing the appeal is condoned.
2. The appeal is at the instance of the wife only in relation to claim for compensation for death of a male aged 21 years. The claimants were wife, child, mother, father and an unmarried sister. He was said to be a car mechanic. The Tribunal has assessed his income to be ₹5000/-, applied a multiplier of 12 and assessed the compensation at ₹5,96,000/-. While so doing, the Tribunal was allowing for multiplier of 12 which according to the appellant was erroneous. The counsel for the appellant argues that there must also be a provision for prospect of future increase. There is also a contention that there has been no provision for loss of love and affection for the mother.
3. The wife, child and the father who were also claimants

before the Tribunal declined to join in appeal and the matter requires a reconsideration only in so far as the claim for the mother is concerned. I reject the argument that there should be a provision for future increase where there was no sure proof of income of the deceased. A reasonable assessment made by the Tribunal in taking the income for person who was 21 years to be ₹5000/- requires no further increase. I take the income as already assessed by the Tribunal and instead of multiplier of 12 as taken by the Tribunal, I will adopt a multiplier of 18. After applying the multiplier of 18, the loss of dependence will yield to ₹6,64,000/- instead of ₹5,76,000/- as taken by the Tribunal. This will mean an additional amount of ₹88,000/-. Out of ₹88,000/-, the Tribunal has provided for a share of 10% to the mother considering that there were other claimants also namely the father and sister. I will provide for 10% of the same for the additional amount granted which works out to ₹8800/- and also make a further addition of ₹50,000/- towards loss of love and affection for the mother.

4. Consequently, there shall be additional amount of ₹58,800/- as the compensation payable for the appellant-mother only. This amount would also attract interest @9% from the date of petition till the date of payment. The award stands modified only to the above extent in so far as the appellant is concerned and makes no provision of increase for others.

(K. KANNAN)
JUDGE

March 10, 2016
Pankaj*