

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.1343 of 2013
Decided on: 02.08.2016

Shakuntla and others

....Appellants

Versus

Om Parkash and others

....Respondents

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. S.S. Khurana, Advocate
for the appellants.

None for respondent No.1.

Mr. Kapil Bansal, DAG, Haryana.

Mr. Rajbir Singh, Advocate
for Mr. Sanjeev Goyal, Advocate for respondent No.3.

REKHA MITTAL, J.

The claimants are in appeal seeking enhancement of compensation awarded by the Motor Accident Claims Tribunal, Rewari (for brevity 'the Tribunal') in respect of death of Harpal in a motor vehicular accident on 28.05.2011.

Counsel for the appellants/claimants have sought enhancement of compensation both in regard to pecuniary loss as well as under conventional heads. It is argued that the learned Tribunal has adopted a multiplier of 11 but applied split method that has been condemned by Hon'ble the Supreme Court in "***Puttamma and others vs K.L. Narayana Reddy and another***", 2014(1) R.C.R. (Civil) 443. It is argued that loss of dependency in the circumstances has to be

assessed by multiplying annual income of the deceased (multiplicand) with a multiplier of 11.

The contention, in this regard has merit and accordingly accepted. That being so, loss of dependency comes to **Rs.20,55,900/-** (Rs.1,86,900/- x 11). The widow of the deceased shall be entitled to an amount of **Rs.1,00,000/-** towards loss of consortium. The claimants shall be entitled to an amount of **Rs.25,000/- each** for loss of estate and funeral expenses. The children of the deceased namely Shashi Bala, Neelam and Prem Parkash shall be entitled to an amount of **Rs.2,00,000/-** in equal share towards loss of love and affection of their father. Mohar Singh and Chameli Devi shall be entitled to an amount of **Rs.50,000/- each** for loss of love and affection of their son. In this manner, total amount of compensation payable to the claimants comes to **Rs.25,05,900/-**. The enhanced compensation comes to **Rs.8,87,300/-** (Rs.25,05,900/- – Rs.16,18,600/-). The amount of enhanced compensation shall carry interest @ 7.5% per annum from the date of filing of the claim petition till realization.

The compensation payable to the children and parents towards loss of love and affection shall be payable to them as per their entitlement discussed hereinbefore. The remaining enhanced compensation shall be paid to widow of deceased.

The compensation awarded to the minor children shall be deposited in the shape of FDR in a nationalized bank for a period of two years or till they attain the age of majority whichever is later. The compensation payable to others shall also be deposited in FDR for a period of 02 years.

Disposed of accordingly.

02.08.2016
yakub

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No