THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(1) FAO No. 2704 of 2013 (O&M)
Date of decision: February 16, 2016

ICICI Lombard General Insurance Company
...Appellant
Versus
Smt. Bimla and others
...Respondents

(2) FAO No. 4896 of 2013 (O&M)

Smt. Bimla and others
...Appellants
Versus
Radhey Shyam and others
...Respondents

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?**

Present: Mr. Sanjeev Goyal, Advocate,
for the appellant in FAO No. 2704 of 2013 and
for respondent 3 in FAO No. 4896 of 2013.

Mr. Sandeep Goyat, Advocate,
for the appellants in FAO No. 4896 of 2013 and
for respondents No. 1 to 4 in FAO No. 2704 of 2013.

K. KANNAN, J. (Oral)

1. This order shall dispose of the above titled both appeals as they arise out of the same set of facts.

2. The appeal in 2704 of 2013 is at the instance of the insurance company complaining against the quantum of compensation as high, while FAO No. 4896 of 2013 is at the instance of the claimants seeking for

enhanced compensation. The accident had taken place on 21.1.2009. The deceased was aged 24 years. He was working in a liquor vend and an accountant in the liquor shop gave evidence that they were paying ₹12,000/- per month as salary to the deceased. With no details given about the educational qualifications, the Tribunal took the income at ₹4,000/-, more particularly on account of the fact that the employer did not produce the accounts showing the disbursement of salary at the rate for which the certificate has been issued or their own income returns of the salary as expenditure items. I make no modification of the assessment already made, but would assume that even in a private employment, he would have earned more amount over a period of time and provide for a prospect of increase of 50%. I will make a deduction of 50% on personal consumption in the manner provided in Sarla Verma Versus Delhi Transport Corporation 2009 (6) SCC 121 and apply a multiplier of 18, the choice of multiplier being dependent on the age of the deceased than the age of the parents, as taken by the Tribunal. This is in conformity with the law laid down in Munna Lal Jain Vs. Vipin Kumar Sharma 2015 (6) SCC 347. I shall also provide for a ₹1 lakh for loss of love and affection for both the parents and increase the provision for funeral expenses at ₹25,000/-, in the manner provided in Rajesh and others Versus Rajbir and others 2013 (9) SCC 54. Several heads of claim are tabulated as under:-

Fatal Accident		***Date of accident***	
Age	24	21.1.2009	
Occupation	In charge of liquor vend		
Claimants:	Parents		
	Heads of claim	**Tribunal**	**High Court**
Sr. No.		Amount (₹)	Amount (₹)
1	Income	4000	4000
2	Add, % of increase		6000

3	Deduction		3000
4	Multiplicand (annualised)	36000	36000
5	Multiplier	14	18
6	Loss of dependence	5,04,000	6,48,000
7	Medical expenses		
8	Loss of Consortium		
9.	Loss of love and affection for parents	25000	1,00,000
10	Loss to estate	5000	5000
11	Funeral Expenses	5000	25000
	Total	5,39,000	7,78,000

3. The total compensation payable shall be ₹7,78,000 /-.The additional amount shall also attract interest @ 9% from the date of the petition till the date of payment. The amount shall be disbursed equally between the appellants in FAO No. 4896 of 2013.

4. Consequently, FAO No. 4896 of 2013 is allowed making provision for enhancement and FAO No. 2704 of 2013 is dismissed.

February 16, 2016 **(K.KANNAN)**
prem **JUDGE**