

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 276 of 2013 (O&M)

Date of decision: 29.04.2016

Saroj and others

... Appellants

versus

Ajit Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Mukesh Yadav, Advocate for the appellants.

Mr. Neeraj Khanna, Advocate for respondent No.2.

K.Kannan, J. (ORAL)

CM No. 1683/CII/2013.

For the reasons mentioned in the application, duly supported by an affidavit, delay of 67 days in filing the appeal is condoned.

CM is disposed of.

FAO No. 276 of 2013

The appeal is for enhancement of claim for compensation for death of a male aged 46 years. The accident had taken place on 28.06.2010. He was a Sanskrit teacher in a Government College and his salary at the time of his death was Rs. 33,000/-. The claimants were widow, four children, one of whom was alone major and mother. The Tribunal had assessed the compensation of Rs. 35, 29, 406/- . I take the income as found in the records and allow for 30% increase as a prospect of increase which will result in the amount of Rs. 43,326/-. At the relevant assessment year 2011-12, there was no tax upto Rs. 1,60,000/- and between 1,60,000/- to Rs. 5,00,000/- it was 10% and

above Rs. 5,00,000/- it was 20%. The aggregate of the annual income @ Rs. 43, 326/- was Rs. 5, 19, 912/- and making an approximation for deduction of tax as mentioned above, the net income after deduction of tax was Rs. 4,67,925/-. Making a further deduction of 1/4th for personal consumption, the amount will be Rs. 3,50, 940.60 as contribution to the family. Applying the multiplier of 13 and providing for Rs. 1,00,000/- for loss of consortium and Rs. 2,50,000/- for loss of love and affection for the children and mother, I will tabulate various heads of claim as under:

<u>Fatal</u>	Date of accident	28.06.2010	
Age	46 years		
Occupation	Teacher		
Claimants	Widow, 4 children, mother		
SR. No.	Heads of claim	Tribunal Amount (Rs.)	High Court Amount (Rs.)
1	Income		33,328/-
2.	Add, % of increase, 30%/50%		43,326/-
3.	Deduction, 1/2, 1/3, 1/4,		5,19,912/-
4.	Multiplicand		3,50, 940.60
5.	Multiplier		13
6.	Loss of dependence		45,62,227/-
7.	Medical Expenses		3,91,400/-
8.	Loss of Consortium		1,00,000/-
9.	Loss of love and affection		2,50,000/-
10.	Loss to estate		10,000/-
11.	Funeral Expenses		25,000/-

	Total	53,38, 627/-
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The total compensation including the medical expenses is Rs. 53, 38, 627/- which I rounded of to Rs. 53, 38, 650/-. The additional compensation shall also attract interest @ 9% from the date of the petition till the date of payment. The amount shall be distributed amongst the widow and the children and mother in the ratio of 2:2:2:2:1 respectively. The share of the minor children will be kept in the fixed deposit yielding interest and on attaining majority 75% of the amount will be permitted to be withdrawn and the remaining 25% shall be kept in the deposit for a further period of 5 years in 5 equal portions to be disbursed to them on majority. As regards the share of the widow and major son, considering the fact that the accident had taken place 6 years earlier and I have applied the multiplier of 13, I will allow for the similar direction of 75% to be permitted to be withdrawn and the rest of the 25% splitting the amount to 5 portions will be kept in deposit for a period of 5 years, 1st portion for a period of one year and 2nd portion for a period of 2 years and so on for five years. The amounts shall be disbursed directly to the parties by the bank either by electronic transfer or by issuance of cheque under advice to the MACT. The liability shall be on the Insurance Company.

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

(K.KANNAN)
JUDGE

29.04.2016
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