THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No. 3657 of 2013 (O&M)
Date of decision: April 4, 2016

Heera Muni Devi and others
...Appellants

Versus

Raj Kumar alias Bona 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. Ashit Malik, Advocate,
for the appellants.

Mr. Arun Sharma, Advocate, for
Mr. TK Joshi, Advocate,
for respondent No.3.

K. KANNAN, J. (Oral)

1. The appeal is for enhancement of compensation for the death of a male aged 49 years in a motor accident that took place on 18.9.2010. He was an ancillary worker in F.C.I. drawing salary of ₹26,587.30 at the time of his death. The claimants were widow, two minor children and one major son and parents. The Tribunal awarded ₹35,73,580/-. Learned counsel for the appellants would seek for re-assessment of the compensation on the scales permitted through the decision of the Supreme Court in Sarla Verma Versus Delhi Transport Corporation 2009 (6) SCC 121 as regards the choice of multiplier and prospects of increase and seek also for provision of loss of

consortium and love and affection in the manner provided in Rajesh and others Versus Rajbir and others 2013 (9) SCC 54 I shall re-work the compensation and tabulate various heads as under:-

Fatal Accident		***Date of accident***	
Age	49	18.9.2010	
Occupation	FCI ancillary	A	
Claimants:	Widow, minor son, parents, major son and daughter.		
	Heads of claim	**Tribunal**	**High Court**
Sr. No.		Amount (₹)	Amount (₹)
1	Income	23,965	26,587.30
2	Add, 30% of increase	31,155	31,107.14 (increase 30%=34563.49 less 10%= 31,107.14 (as per assessment year 2011-2012
3	Deduction (tax deduction)	2,73,352	23,330.35
4	Multiplicand (annualised)	2,73,352	2,79,964.26
5	Multiplier	13	13
6	Loss of dependence	35,53,576	36,39,535.49
7	Medical expenses		
8	Loss of Consortium	10,000	1,00,000
9.	Loss of love and affection for children		2,00,000
10	Loss to estate	5,000	10,000
11	Funeral Expenses	5,000	25,000
	Total	35,73,580	39,74,535.497 rounded off to Rs. 39,74,536

2. I have provided loss of consortium at ₹1 lakh and for loss of love and affection for the minor son at ₹1 lakh and another ₹1 lakh for loss of love and affection for the major son, daughter and the parents. I have also provided for 20% deduction for income tax in the manner of reckoning the gross salary and the contribution to the family. The total compensation shall be ₹39,74,536/- and the additional amount shall also attract the interest @ 9% in the manner of distribution. The liability shall be in the same

manner as assessed by the Tribunal. The amount shall be distributed amongst the widow, three children, including one minor and the parents in the ratio of 2:2:2:2:1:1 respectively. In respect of the share of the parents, the amount shall be distributed immediately. In respect of of the minor child, the amount shall be retained in a fixed deposit during the entire period of minority and 75% of the amount will be permitted to be withdrawn on attaining the majority and rest of 25% will be shall be split into three equal portions, 1st portion for a period of one year, 2nd portion for a period of two years and so on upto three years and deposited in a nationalized bank. In respect of widow and major son and daughter, they shall be permitted to withdraw 50% of the same and rest of the 50% will be split split into six equal portions, 1st portion for a period of one year, 2nd portion for a period of two years and so on upto six years. The amounts shall be directly remitted to the account of the respective claimants on maturity of the amounts by cheque or electronic transmission to account numbers as disclosed to the bank by the respective claimants, under the advice to the tribunal. The award passed by the tribunal is modified and the compensation is re-assessed as above.

April 4, 2016 **(K.KANNAN)**
prem **JUDGE**