

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

FAO No. 5200 of 2013 (O&M)

Date of Decision: April 12, 2016

Suresh Kumari and another

...Appellants

Versus

Veeki and others

...Respondents

CORAM: HON'BLE MR. JUSTICE K.KANNAN

Present: Mr. N.K. Malhotra, Advocate,
for the appellants.

Mr.Vishal Aggarwal, Advocate,
for respondent No. 3.

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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)

CM No. 22046-CII of 2013

For the reasons stated in the application, delay in filing
the appeal is condoned.

Main Case

1. The appeal is for enhancement of compensation for the death of a male aged 20 years. He was said to be running a tuition center and was earning ₹20,000/- per month. The

claimants were the parents. The Tribunal took the average income ₹4,000/- per month, applied a multiplier of 14 and granted compensation of ₹4,71,593/-, including medical expenses at ₹1,30,593/-. It is stated that correct multiplier has not been applied and further nothing was awarded towards loss of love and affection and loss to estate.

2. I will take the same income, as assessed by the Tribunal and re-work the compensation also providing for loss of love and affection of ₹50,000/-, funeral expenses and loss to estate. Several heads of compensation are tabulated as under:-

Fatal Accident		Date of accident	
Age	20	13.04.2010	
Occupation	Student(Diploma) Running tuition Center	4,000	
Claimants:	Parents		
	Heads of claim	Tribunal	High Court
Sr. No.		Amount(₹)	Amount(₹)
1	Income	4,000	4,000
2	Add, % of increase		
3	Deduction	1/2	2,000
4	Multiplicand	24,000	24,000
5	Multiplier	14	18
6	Loss of dependence	3,36,000	4,32,000
7	Medical expenses	1,30,593	1,30,593
8	Loss of Consortium		
9	Loss of love and affection for parents		50,000

10	Loss of estate		5,000
11	Funeral expenses	5,000	25,000
	Total	4,71,593	6,42,593

3. The total compensation payable shall be ₹6,43,593/- and this amount will also attract interest @ 9% from the date of the petition till the disposal by the Tribunal and from the date of the appeal to the date of payment, meaning thereby there shall be no interest for the period when there is 416 days delay in filing the appeal.
4. The order is modified and the appeal is allowed to the above extent.

April 12, 2016
prem

(K.KANNAN)
JUDGE