

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

FAO No. 4738 of 2014 (O&M)
Date of decision: April 11, 2016

Ikattar Singh and another

...Appellants

Versus

Dalvir Singh and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE K. KANNAN

1. **Whether Reporters of local papers may be allowed to see the judgment ? Yes**
2. **To be referred to the Reporters or not ? Yes**
3. **Whether the judgment should be reported in the Digest? Yes**

Present: Mr. JS Khiva, Advocate,
for the appellants.

Mr. GS Samra, Advocate,
for respondents No. 1 and 2.

Mr. Sanjeev Pabbi, Advocate,
for respondent No.3.

K. KANNAN, J. (Oral)

1. The appeal is for enhancement of compensation for death of a male aged 55 years, who died in a motor accident. The claimants were sons, both of whom were majors. The deceased was said to have been employed as an accountant in S.G.P.C. and was being paid Rs. 22,000/- per month. The claimants stated that they used to perform *Paath* (viz to recite the verses of *Guru Granth Sahib*) and earning Rs. 1,000/- per month for performing each *paath*. The Tribunal found that the two major sons could not be dependent and assessed the compensation at Rs. 50,000/- as payable under

Section 140 of the Motor Vehicle Act.

2. The reasoning of the Tribunal is erroneous and it is set aside. The deceased who had already lost his wife, could not have been taken as irrelevant for the sons, even if they were majors. In a typical social condition in India, a father has a decisive role to play for guidance and affection of the sons even if they attained the majority. The father could not have spent all the money on himself. I apply the same logic what is possible for a claim to a bachelor when the claimants are parents. I assume that out of Rs. 20,000/-, which the deceased was earning, he would incur for himself at least half the amount, the same way as it is done for the bachelor and rest of the sum will go for accumulation of the estate, even if it is not paid to the sons. What is not possible as the loss of dependency ought to be possible as an accretion to the estate which could fall for inheritance by the major sons. I will, therefore, take the income as proved already at Rs. 22,000/-, make a deduction as half and take Rs. 11,000/- a monthly accrual to the estate. I will apply a multiplier of 11 and assessed the loss at Rs. 14,52,000/-. I will make provision for another Rs. 25,000/- for funeral expenses and hold the compensation payable at Rs. 14,77,000/-.

3. The award already passed is modified and the additional compensation which is assessed, will also attract interest @ 9% from the petition of the petition till the payment. The liability shall be in the same manner as already determined by the Tribunal, namely, that the right of enforcement is possible against the third respondent.

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

April 11, 2016
prem

(K.KANNAN)
JUDGE