

221.

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

FAO No.5211 of 2014 (O&M)

Date of decision:13.05.2016

Ramphal and another

... Appellants

versus

Balram and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Vimal Kumar Gupta, Advocate,
for the appellants.

Mr. Mukesh K. Sharma, Advocate,
for Mr. Alok Bhatara, Advocate,
for respondent No.2.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ? No.
3. Whether the judgment should be reported in the digest ?No.

K.Kannan, J. (Oral)

1. The appeal is for enhancement of compensation for death of a boy, aged 16 years. The claim was at the instance of the parents. He was said to be an employer and the evidence was that he was earning about ₹8,000/-. The Tribunal has awarded a compensation of ₹1,70,000/-.

2. I cannot accept the evidence that 16 years old boy was earning ₹8,000/-. I will take his income at ₹3,300/- as a non-earning member, make a provision for 50% deduction for personal expenses and apply a multiplier of 18. I will also provide for ₹1 lakh towards

loss of love and affection and ₹25,000/- towards funeral expenses.

The several heads of claims are tabulated as under:-

Accident	03.08.2010		
Age	16 years		
Occupation	Labour		
Claimants	Parents		
	Heads of claim	Tribunal	High Court
Sr. No.		Amount (₹)	Amount (₹)
1.	Income		3,300
2.	Add,% of increase 30%/50%		
3.	Deduction ½, 1/3, ¼, 1/5		1,650
4.	Multiplicand		19,800
5.	Multiplier		18
6.	Loss of dependence		3,56,400
7.	Medical expenses		
8.	Loss of consortium		
9.	Loss of love and affection		1,00,000
10.	Loss to estate		5,000
11.	Funeral expenses		25,000
	Total	1,70,000	4,86,400

The aggregate of compensation shall be ₹4,86,400/- and the additional amount of what was awarded already by the Tribunal will attract interest at 9% from the date of petition till date of payment. The amount will be distributed equally amongst the parents. The liability shall be on the Insurance Company.

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

(K.KANNAN)
JUDGE

13.05.2016
sanjeev