

209.

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

FAO No.765 of 2013 (O&M)

Date of decision:10.05.2016

Sumitra and others

... Appellants

versus

Krishan and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Ms. R. Rahish, Advocate,
for the appellants.

Mr. Sandeep Parkash Chahar, Advocate,
for respondent No.1.

Ms. Rohini, Advocate,
for Mr. Vishal Goel, Advocate,
for respondent No.3.

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 male aged 45 years. He was said to be a truck driver, earning ₹8,000/- but produced no proof regarding the status as a driver except a claim by a person who was said to be his employer. The Tribunal reasoned that even the driving licence as a truck driver was not produced and assessed his income at ₹5,200/-. I find no

error in the approach adopted by the Tribunal in the manner of assessment of his income.

2. The appellants have a grievance that appropriate multiplier suitable to the age of the person as 45 years was not given. The counsel would also plead for enhancement of sums for loss of consortium and loss of love and affection in the manner provided in **Rajesh Versus Rajbir Singh-2013(9) SCC 54** and in the subsequent decisions. I will make available the choice of multiplier at 14 and increase the conventional heads of claim and tabulate them as under:-

Accident			
Age	45		
Occupation	Truck driver ₹8,000		
Claimants	Wife, 2 sons and 2 daughters		
	Heads of claim	Tribunal	High Court
Sr. No.		Amount (₹)	Amount (₹)
1.	Income	5,200	5,200
2.	Add,% of increase 30%/50%		
3.	Deduction ½, 1/3, ¼, 1/5		3,900
4.	Multiplicand		46,800
5.	Multiplier		14
6.	Loss of dependence		6,55,200
7.	Medical expenses		
8.	Loss of consortium		1,00,000
9.	Loss of love and affection		2,00,000
10.	Loss to estate		5,000
11.	Funeral expenses		25,000
	Total	6,25,000	9,85,200

The compensation shall aggregate to ₹9,85,000/-. The additional amount of what has been awarded by the Tribunal will attract interest at 9% from the date of petition till date of payment and the

same shall be distributed amongst all the claimants equally. If there is any minor amongst them, the share of the minor shall be retained in deposit and ordered to be released on attaining majority. The liability shall be in the same manner as already determined by the Tribunal.

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

(K.KANNAN)
JUDGE

10.05.2016
sanjeev