

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

FAO No. 46 of 2015 (O&M)

Date of decision: 16.02.2016

Reliance General Insurance Company Limited

... Appellant

versus

Barkha Rani and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. R.K. Bashamboo, Advocate for the appellant.

Mr. R.K. Saini, Advocate for respondent Nos. 1 to 5.

K.Kannan, J. (ORAL)

CM No. 201-CII-2015

For the reasons mentioned in the application, duly supported by an affidavit, delay of 47 days in filing the appeal is condoned.

CM is disposed of.

FAO No. 46 of 2015

The appeal is against the assessment of compensation for death of a male aged 36 years. The claimants were widow, 3 children and mother. The wife gave evidence that the husband was working in a private factory and he was also attending to agricultural operations. According to her, her husband was earning Rs. 15,000/- from both the sources of income. The possession of agricultural land was admitted to

be shown in Jamabandi entries containing reference to holdings of land of Dhanna Ram to show that his name was entered. I have seen through the jamabandi entries and it does not contain the name of the deceased Dhyan Singh. It makes reference to one Dhanna Ram. The claimant has also not explained anywhere that her husband had an alias name as Dhanna Singh. There was also no proof of employment in a private company.

In the absence of evidence of any settled employment and also in the absence of proof of possession of any agricultural land, I would take the assessment of Rs. 6,000/- as the monthly income as reasonably good and there is no need to factor for any further increase. I will apply a deduction of ¼ towards personal expenses and assess the loss of dependancy as Rs. 8,10,000/-. I will provide for loss of consortium at Rs. 1,00,000/- and provide for Rs. 1,00,000/- for each one of the children and make further provision for Rs. 50,000/- for the love and affection of the mother of the deceased. I will also provide for Rs. 25,000/- towards funeral expenses. The various heads of compensation are tabulated as under:

<u>Fatal</u>	Date of accident	24.08.2012	
Age	36		
Occupation	Daily wager		
Claimants	Widow, 3 children, mother		
SR. No.	Heads of claim	Tribunal	High Court

		Amount (Rs.)	Amount (Rs.)
1	Income	6,000/-	6,000/-
2.	Add, % of increase, 30%/50%		
3.	Deduction, 1/2, 1/3, 1/4,		4,500/-
4.	Multiplicand		54,000/-
5.	Multiplier	15	15
6.	Loss of dependence		8,10,000/-
7.	Medical Expenses		
8.	Loss of Consortium		1,00,000/-
9.	Loss of love and affection		3,50,000/-
10.	Loss to estate		50,000/-
11.	Funeral Expenses		25,000/-
	Total	18,15,100/-	13,35,000/-

There shall be a total compensation of Rs. 13,35,000/- and the amount in excess stands set aside.

The appeal of the insurance Company is allowed to the above extent and the amount shall be distributed in the proportion as already assessed by the trial Court.

(K.KANNAN)
JUDGE

16.02.2016

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