IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No. 9685 of 2014 (O&M)
Date of decision: 11.01.2016

Geeta Devi and another

... Appellants

versus

Vinod and others

.... Respondents

2. FAO No. 1551 of 2015 (O&M)

Shriram General Insurance Co. Ltd.

... Appellant

versus

Geeta Devi and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Ms. Amandeep Kaur, Advocate for the appellants.

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

K.Kannan, J. (ORAL)

Both these matters relate to compensation for death of a male aged 18 years. The deceased was said to be working in an automobile shop and the salary certificate proving his income as Rs. 5,250/- was filed. The claimants were appellants. While the claimants will seek for an enhancement in FAO No. 9685 of 2014 on the ground that the Tribunal has not provided adequate amount for loss of consortium, the insurance Company has preferred FAO No. 1555 of 2015 to doubt the scope for provision for enhancement and also to contend that the choice of multiplier must be made to depend on the age of the claimants.

As regards the latter argument, there is no longer any ambiguity after the decision in Munna Lal Jain and another Vs. Vipin Kumar Sharma and others, (2015) 6 SCC 347, where it has been held by 3 Member Bench that the choice of multiplier will only depend on the age of the deceased. As regards the prospect of increase also I will not allow this to be needlessly hanging to avoid the decision of the Hon'ble Supreme Court when there was decision that he was working in an automobile shop and he was earning Rs. 5,250/-. In growing economy with the high inflationary trends wages are bound to increase and it will be wrong to restrict the prospect of increase to only government employments. Reasonably certain employment in a workshop where person had obtained some skills will surely have a prospect of increase and I, therefore, apply 150 as the prospect in future.

The grievance of the appellant is that there is no adequate provision for love and affection and loss to estate. The loss to estate has remained as conventional sum if it was not in any way high employment with huge surplus savings. Considering the fact that he was 18 years of age, I provide for loss to estate at Rs. 10,000/- and for loss of love and affection at Rs. 1,00,000/- and make available the compensation of additional amount of Rs. 1,10,000/- as payable with interest @ 9.5% from the date of the petition till the date of the payment.

FAO No. 9685 of 2014 is allowed with the above modification.

I make the Insurance Company liable and FAO No. 1550 of 2015 is dismissed.

(K.KANNAN)
JUDGE

11.01.2016
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