

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

FAO No.3189 of 2003 (O&M)
Date of decision: April 19, 2017

Sarla Garg and another ...Appellants

Versus

Tota Ram and others ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Aman Bansal, Advocate for the appellants.
Mrs. Shamsheer Kaur, Advocate for Oriental Insurance Co.

Rajan Gupta, J. (oral)

Present appeal has been preferred by the appellants dissatisfied with the compensation granted by the tribunal.

Learned counsel for the appellants submits that tribunal has erred in not granting adequate compensation under usual heads like love and affection, funeral expenses etc.

Learned counsel for the insurance company submits that adequate compensation has been awarded for the death of deceased Rohit Garg.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

It appears, accident took place on 7.8.2000, in which Rohit Garg, son of appellants died. Admittedly, accident was caused due to rash and negligent driving of respondent No.1, driver of the offending vehicle i.e. Truck No.RJ-02-G-2933. The deceased Rohit Garg was 21 years of age

at the time of his death. The tribunal had taken monthly income of the deceased as Rs.6000/- and after deducting 50% amount of his income as personal expenses of deceased, tribunal assessed monthly dependency of claimants as Rs.3000/- i.e. Rs.36,000/- per annum. Applying multiplier of '13', it granted Rs.4,68,000/- to the appellants. After adding Rs.17,000/- for treatment of deceased Rohit Garg and his last rites, a total compensation of Rs.4,85,000/- has been granted to the claimants. In my considered view, the appellants would also entitled to another sum of Rs.50,000/- on account of loss of love and affection. The appellants would also be entitled to interest as awarded by the tribunal. Appeal is allowed in these terms. Award of the tribunal is modified to this extent. Rest of the award is maintained as such.

April 19, 2017
'Rajpal'

(RAJAN GUPTA)
JUDGE

Whether speaking / reasoned	Yes / No
Whether Reportable:	Yes / No