

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

FAO No.3483 of 2003

Date of Decision.26.07.2017

Salemata Devi and others

.....Appellants

Vs

Kuldeep Singh and others

.....Respondents

Present: None for the appellants.

Mr. R.K. Bashamboo, Advocate
for the insurance company.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J.(ORAL)

The appeal is for enhancement of compensation for death of a person aged 35 years. The claimants were widow, two sons, two daughters and mother. The deceased was stated to be earning ₹7000/- to ₹8000/- per month from dairy farming and agricultural works.

The Tribunal while assessing the compensation, in the absence of any cogent evidence qua income of the deceased, took the income as ₹1800/- per month as a casual labourer, applied a cut of 1/3rd for personal expenses and adopted a multiplier of 16 to assess the loss of dependency at ₹2,30,400/-. Besides this, it also provided ₹10,000/- for loss of consortium, loss of estate and funeral expenses, thus, in toto awarded ₹2,40,400/- with interest @9% per annum from the date of petition till realization.

There is no representation for the appellant.

Mr. R.K. Bashamboo, learned counsel appearing for the insurance company states that the amount of compensation has rightly been assessed, keeping in view the fact that the accident took place way back in

the year 2002, thus, there is no scope for enhancement.

I have gone through the case file and of the view that the income assessed by the Tribunal is on lower side. I will take the income of the deceased as ₹2000/- and apply a deduction of 1/4th instead of 1/3rd. I will adopt a multiplier of 16 as has been done by the Tribunal and provide ₹1 lac for loss of consortium to the wife, ₹50,000/- each to the four children and mother for loss of love and affection, ₹5000/- towards loss of estate and ₹25,000/- for funeral expenses. The various heads of claim are tabulated as under:-

FATAL ACCIDENT			
Age	35 years		
Occupation	Dairy farming and agriculture		
Claimants	Widow, 2 sons, 2 daughters and mother		
	Heads of claim	Tribunal	High Court
Sl. No.		Amount (Rs)	Amount (Rs.)
1	Income	1800	2000
2	Add, % of increase	--	--
3	Less, Deduction 1/4 th	1200 (1/3)	1500 (1/4)
4	Multiplicand (annualized by multiplying 12)	14,400	18,000
5	Multiplier	16	16
6	Loss of dependance	2,30,400	2,88,000
7	Medical Expenses		
8	Loss of Consortium	10,000	1,00,000
9	Loss of love and affection		2,50,000
10	Loss to estate		5000
11	Funeral expenses		25000
	Total	2,40,400	6,68,000

The total amount of compensation payable shall be ₹6,68,000/-.

The amount in excess over what has already been provided by the Tribunal shall also attract interest @6% from the date of appeal till realization. The

enhanced amount shall be distributed amongst the claimants in the ratio of

2:2:2:2:2:1, meaning thereby, the mother shall get half of the share of other claimants. The liability shall remain the same as fixed by the Tribunal.

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

(AMIT RAWAL)
JUDGE

July 26, 2017
Pankaj*

Whether reasoned/speaking	Yes
Whether reportable	No