

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

**FAO No.2445 of 1995 (O&M)
Date of Decision: 11.12.2017**

Mohinder Kaur and others

...Appellant(s)

Versus

Satish Kumar and others

...Respondent(s)

CORAM:-HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Suresh Kumar, Advocate
for the appellant.

Mr. R.K. Singla, A.A.G., Haryana.

ANITA CHAUDHRY, J.

Previous cost has been paid.

A fair copy of the award and the appeal has been placed on
record.

The record of this file had been burnt in the fire incident
which had taken place in the year 2011. Only copy of the award and
grounds of appeal are available. Both the parties had stated that the
matter can be decided on the basis of the award and the other
available material.

The submission on behalf of the appellant is that the
Tribunal had taken the income of the deceased at Rs.5,000/- and an
addition of 40% should be made towards future prospects and the
multiplier should be as per the age of the deceased. The counsel
submits that the compensation has to be paid by the State as the

vehicle was not insured.

The counsel for the State states that the Insurance Company has not been made a party and they had been exonerated.

Taking the income at Rs.5,000/- and giving an increase of 40%, the addition should be Rs.2,000/- and the total income would be Rs.7000/- per month. Making a deduction of 50%, the amount available for calculation would be Rs.3500/- and multiplier would be 15 taking the age of the claimants as per '**New India Assurance Company Ltd. Vs. Shanti Pathak and others, 2007(3) R.C.R. (Civil) 593**' and the compensation would be $3500 \times 12 \times 15 = \text{Rs.}6,30,000/-$. To this, I would add Rs.7500/- for loss of estate and Rs.7500/- for funeral expenses, considering the fact that the accident is of 1993. The total amount payable was Rs.6,45,000/-. The amount allowed by the Tribunal would be deducted and the remaining amount would be paid by the State with interest @ 6% from the date of filing of appeal.

The appeal is partly allowed.

December 11, 2017
ps-l

(ANITA CHAUDHRY)
JUDGE

Whether Reasoned/Speaking

Yes/No

Whether Reportable

Yes/No