IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No. 1652 of 1997 (O&M)
Date of Decision: October 25, 2017

Mohinder Kaur and others

..Appellant(s)

Versus

Kartar Singh and others

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Saurabh Bhardwaj, Advocate
for the appellants.

Mr. Rakesh Singla, AAG, Haryana.

*****

ANITA CHAUDHRY, J.

This is the claimants' appeal seeking enhancement in the award dated 04.06.1997, passed by the Motor Accident Claims Tribunal, Kurukshetra.

Deceased Dhyan Singh met with an accident on 02.08.1996. He was 46 years old and was an agriculturist. It was claimed that he was earning Rs.8,000/- per month. However, the claimants failed to lead evidence with respect to his income and his income was taken as Rs.2,000/- per month. The Tribunal applied the unit method and and applied the multiplier of 11 to calculate the compensation to be Rs.1,71,600/-. A sum of Rs.6,000/- was added as funeral expenses. Thereafter, a deduction of 25% was made as the deceased was held to have contributed in the accident to the extent of 25%.

The submission on behalf of the appellants is that the multiplier method should have been applied and the deduction should have been $1/3^{rd}$ and the multiplier should have been 13 and no amount had been allowed for loss of love and affection to the children or for loss of consortium. The counsel did not dispute the finding recorded on issue no.1 regarding the contributory negligence on the part of the deceased.

There is no evidence with respect to the income being higher, therefore, there can be no change. Taking the income to be Rs.2,000/- per month and making a deduction of $1/3^{rd}$, the amount available for the family would be Rs.1,334/- per month and the compensation would be Rs. 1334 x 12 x 13 = Rs.2,08,104/-. To this a sum of Rs.50,000/- is added for loss of consortium and Rs.50,000/- for loss of love and affection for the children and Rs.6,000/- as funeral expenses. The total of this comes to Rs. 3,14,104/-. Making a deduction of 25%, the amount payable would be Rs.2,35,578/-. The Tribunal had allowed Rs.1,33,500/-, which would be deducted and the remaining amount would be payable with interest @ 6% from the date of filing of appeal till realization.

The appeal is partly allowed.

(ANITA CHAUDHRY)
JUDGE

October 25, 2017

sunil

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No