

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

FAO No.1485 of 2000

Date of Decision.05.07.2017

Smt. Rekha Devi and others

.....Appellants

Vs

Madan Lal and others

.....Respondents

Present: Mr. Vipul Kumar Sharma, Advocate for
Mr. S.M. Sharma, Advocate
for the appellants.

Mr. Vipul Sharma, Advocate for
Mr. Paul S. Saini, Advocate
for respondent No.3.

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 namely Amar Singh. He was hit by a truck bearing registration No.CH-01-N-3710 when he was coming on his cycle from Phase-II, Mohali to Sector 41, Chandigarh. The deceased was stated to be earning ₹2772/- per month as Record Keeper at the time of his death. The claimants are widow and four children.

The Tribunal while assessing the compensation took the income of the deceased at ₹2800/- per month, applied a cut of 1/3rd towards personal expenses and adopted a multiplier of 13. The Tribunal has provided ₹5000/- towards loss of consortium, ₹2500/- and ₹2000/- towards loss to estate and funeral expenses respectively, in awarding a total compensation of ₹3,00,700/-.

The contention of learned counsel for the appellants is that the Tribunal has not assessed the compensation in view of the parameters laid

Corporation and another 2009(6) SCC 121, as a cut of 1/3rd towards personal expenses is not correct in a case where the dependents are five in number, much less, did not provide future prospect of increase and loss of love and affection, thus, the amount of compensation is required to be enhanced by modifying the award.

On the contrary, Mr. Vipul Sharma for Mr. Paul S. Saini, learned counsel appearing on behalf of the insurance company contends that the Tribunal has taken care of all the heads of claim and the award is perfectly legal and justified.

I have heard learned counsel for the parties and appraised the paper book. In my view, the Tribunal has not assessed the compensation as per the formula laid down by Hon'ble Supreme Court in Sarla Verma's case's (supra). The amount of compensation is required to be re-assessed and the same is tabulated as under:-

FATAL ACCIDENT			
Age	48 years		
Occupation	Record Keeper		
Claimants	Widow and four children		
	Heads of claim	Tribunal	High Court
Sl. No.		Amount (Rs)	Amount (Rs.)
1	Income	2800	2800
2	Add, % of increase 30%	--	3640
3	Less, Deduction 1/4 th	1/3 rd	2730
4	Multiplicand (annualized by multiplying 12)	22,400	32,760
5	Multiplier	13	13
6	Loss of dependence	2,91,200	4,25,880
7	Medical Expenses & Transportation	--	--
8	Loss of Consortium	5000	1,00,000
9	Loss of love and affection @ Rs.50,000/- each child	--	2,00,000
10	Loss to estate	2500	10,000
11	Funeral expenses	2000	5000
	Total	3,00,700	7,40,880

The total compensation payable shall be ₹7,40,880/-. The amount in excess over what has already been provided by the Tribunal shall also attract interest @6% from the date of filing of the appeal till the date of realization. The liability shall be on the insurance company as fixed by the Tribunal. The enhanced amount of compensation shall be distributed equally in favour of the claimants.

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

(AMIT RAWAL)
JUDGE

July 05, 2017
Pankaj*

Whether reasoned/speaking Yes

Whether reportable No