

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

**FAO No. 2267 of 1997 (O&M)
Date of Decision: October 25, 2017**

Bhajan 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 appellant.

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.

Two claim petitions were filed. In the present appeal the claimants are seeking enhancement for the death of Mohinder Singh. The claimants had pleaded that the deceased was a Peon with the Sub-Divisional Magistrate at Pehwa and was drawing a salary of Rs.3,000/- per month and was 45 years old at the time of his death. The salary certificate produced on the record showed that he was getting salary of Rs.2,664/- per month. The Tribunal applied the unit method and took

the age of the deceased to be 55 years and applied the multiplier of 10 and calculated the compensation to be Rs.2,23,680/-. A sum of Rs.6,000/- was added as funeral expenses. The amount was rounded off and a deduction of 25% was made since the scooter driver was held to have contributed in the accident.

The case had been adjourned on the last hearing to find out the exact date of birth of the deceased. Counsel for the appellants says that Mohinder Singh was 51 years old at the time of his death.

The submission on behalf of the appellants is that the multiplier method should have been applied to calculate the compensation. The counsel also says that Kartar Kaur, mother of the deceased has since died and her name from the memo of parties be struck off. The counsel further submits that no amount had been allowed for loss of love and affection to the children or for loss of consortium and the deduction should have been $\frac{1}{4}^{\text{th}}$.

There is no dispute with respect to the income, therefore, taking the income to be Rs.2,664/- per month and making a deduction of $\frac{1}{4}^{\text{th}}$, the amount available for the family would have been Rs.1,998/- per month and the compensation would be Rs. $1,998 \times 12 \times 11 = \text{Rs.}2,63,736/-$. The Tribunal had failed to award any amount for loss of love and affection or for loss of consortium. Considering that the accident had taken place in 1996, I would add Rs.50,000/- for loss of love and affection for the children and Rs.50,000/- for loss of consortium. No change should be made as sufficient amount had been

allowed for the funeral expenses. There could have been no deduction as the deceased Mohinder Singh was the pillion rider and he was not at fault.

The total amount payable comes to Rs.3,69,736/-, which is rounded off to Rs.3,70,000/-. The Tribunal had allowed Rs.1,72,500/-, which would be deducted and the balance amount is payable to appellants no.1 to 4 with interest @ 6% from the date of filing of appeal.

The appeal is partly allowed.

**(ANITA CHAUDHRY)
JUDGE**

October 25, 2017

sunil

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No