

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

FAO No.386 of 2000

Date of Decision.05.07.2017

Smt. Nirmala Devi and others

.....Appellants

Vs

Avtar Singh and another

.....Respondents

Present: Mr. Ashit Malik, Advocate
for the appellants.

None for the respondents.

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 male aged 30 years, who died in a motor accident that took place on 02.03.1997. The claimants are widow, three children and mother. He was stated to working as an Electrician on a shop and earning ₹2500/- per month. Apart from that, he used to earn ₹1500/- per month by attending private electric complaints.

The Tribunal while assessing the compensation took the income of the deceased at ₹1800/-, made a deduction of ₹600/- towards personal expenses, adopted a multiplier of 16 to assess the loss of dependency a ₹2,30,400/-. The Tribunal has also provided ₹10,000/- towards loss of consortium, ₹5000/- as transportation of dead body, funeral and last rites expenses, thus, awarded a total compensation of ₹2,45,400/- along with interest @12% from the date of petition till the date of payment.

Mr. Ashit Malik, learned counsel appearing on behalf appellants contends that the Tribunal has grossly erred in deducting the amount towards expenses and applying the multiplier suitable to the age of

the deceased. Moreover, the notional heads of claim are not assessed properly, as nothing has been provided towards loss of love and affection and loss to estate, much less, prospect of future increase.

There is no representation for respondent Nos.1 and 2.

I have heard learned counsel for the appellants, appraised the paper book and of the view that the Tribunal has erred in assessing the compensation as per the parameters laid down by Hon'ble Supreme Court in in Sarla Verma's case's (supra). I will take the income the income of the deceased as ₹2500/-, provide a prospect of future increase at 50%, make a deduction of 1/4th towards personal expenses and adopt a multiplier of 17, suitable to the age of deceased, who was aged 30 years at the time of his death. The various heads of claim are tabulated as under:-

FATAL ACCIDENT			
Age	30 years		
Occupation	Electrician		
Claimants	Widow, three children and mother		
	Heads of claim	Tribunal	High Court
Sl. No.		Amount (Rs)	Amount (Rs.)
1	Income	1800	2500
2	Add, % of increase 50%	--	3750
3	Less, Deduction	600	2812.5 (1/4 th)
4	Multiplicand (annualized by multiplying 12)	14,400	33,750/-
5	Multiplier	16	17
6	Loss of dependence	2,30,400	5,73,750/-
7	Medical Expenses & Transportation	--	--
8	Loss of Consortium	10,000	1,00,000
9	Loss of love and affection @ Rs.50,000/- for each child and mother	--	2,00,000
10	Loss to estate	--	5000
11	Funeral expenses	5000	5000
	Total	2,45,400	8,83,750

The total compensation payable shall be ₹8,83,750/-. 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 remain the same as fixed by the Tribunal i.e. respondent Nos.1 and 2 shall be liable jointly and severally. 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