

In the High Court of Punjab and Haryana at Chandigarh

F.A.O No. 1173 of 2001 (O&M)

Date of Decision: 26.7.2017

Sumitran Rani and others

.....Appellants

Versus

Kulbir Singh and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Sushil Saini, Advocate
for the appellants.

Mr. Ram Kumar Chauhan, Advocate
for respondents No. 2 and 3.

Ms. Ambika Sood, DAG, Punjab.

Mr. Pardeep Goyal, Advocate
for the insurance company.

ANITA CHAUDHRY, J

CM-26758-CII-2016

This is an application for early hearing of the appeal.

The application is allowed for the reasons stated therein.

At the request of the counsel for the parties, the main case is taken up for hearing today itself.

FAO-1173-2001

This is the claimants' appeal seeking enhancement in the award dated 9.1.2001 passed by the Motor Accident Claims Tribunal, Gurdaspur.

The record of this file had been burnt in the fire accident which had taken place in the year 2011. Only copy of the award and grounds of

that the matter can be decided on the basis of the material available.

Counsel for the appellants contends that deceased Acchar Mal was a Teacher in a government school and his salary has been taken as Rs. 6,000/- per month, though after the revision in the salary it was over Rs. 7,000/-. Counsel submits that an addition of 30% should be made and an enhanced amount be allowed for loss of consortium and additional amount be awarded for loss of love and affection as well as for the funeral expenses.

It is not disputed that Acchar Mal was a Teacher in a government school. His salary certificate had been placed on record. The salary was subsequently enhanced. The income is taken at Rs. 7,000/- and since the deceased was over 40 years of age therefore, the addition of 30% towards future prospects is made and the income would be Rs. 9100/-. After making a deduction of 1/3rd the amount available for the family would be Rs. 6067/- and the compensation would be Rs. 6067/- x 12 x 14 = 10,19,256/-. To this a sum of RS. 50,000/- should be added for loss of consortium, Rs. 50,000/- for loss of love and affection for the children and Rs. 15,000/- as funeral expenses which raises the total to Rs. 11,34,256/-. The Tribunal had awarded Rs. 5,76,000/- which would be deducted and the remaining amount i.e. Rs. 5,58,256/- would be payable with interest @ 6% from February 2001 till the amount is actually paid.

The award is modified. The appeal is partly allowed.

(ANITA CHAUDHRY)
JUDGE

July 26, 2017
Gurpreet

Whether speaking/reasoned : Yes
Whether reportable : No