

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

FAO No.2247 of 2001

Date of Decision.04.08.2017

Ramesh and another

.....Appellants

Vs

Haryana Roadways Depot and others

.....Respondents

Present: Mr. Rajnish Gupta, Advocate
for the appellants.

Mr. Neeraj Khanna, Advocate for
Mr. Ravinder Arora, Advocate
for the insurance company.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

-. -

AMIT RAWAL J.(ORAL)

The appeal is for enhancement of compensation for death of a person aged 40 years namely Ram Kumar, who, on 15.07.1999, while travelling in a three-wheeler met with an accident with a Haryana Roadways Bus bearing registration No.HR-39/7083. The claimants were three sons. The deceased was stated to be a labourer and earning ₹5000/- per month.

The Tribunal while assessing the compensation took the income of the deceased as ₹1800/- per month, deducted 50% towards personal expenses and applied a multiplier of 12. It also provided ₹2000/- for funeral expenses and ₹2500/- for loss of estate, thus, in toto assessed a compensation of ₹1,34,100/- with interest @12% per annum from the date of filing of the claim petition till realization.

Mr. Gupta, learned counsel appearing on behalf of the appellants submits that the income assessed by the Tribunal as ₹1800/- is on lower side, much less, deduction towards personal expenses and adoption of multiplier is not in consonance with the ratio decidendi culled out by Hon'ble Supreme

Court in Sarla Verma Vs. DTC 2009(6) SCC 121. It also erred in assessing

the loss of love and affection, loss of estate and funeral expenses on lower side, thus, the award is liable to be modified.

Mr. Neeraj Khanna for Mr. Ravinder Arora, learned counsel appearing on behalf of the insurance company submits that the amount assessed by the Tribunal is perfectly legal and justified and there is no scope for further enhancement, thus, urges this Court for dismissal of the appeal.

I have heard learned counsel for the parties, appraised the paper book and of the view that there is a definite scope of enhancement. In the absence of any income proof, I will retain the income of the deceased as taken by the Tribunal i.e. ₹1800/- per month. Since there are three surviving dependents, I will make a deduction of 1/3rd towards personal expenses and adopt a multiplier of 15 suitable to the age of a person aged 40 years. I will also provide ₹1,00,000/- each to three sons for loss of love and affection, ₹10,000/- towards loss of estate and ₹25,000/- towards funeral expenses.

In total, the amount of compensation payable shall be ₹5,51,000/-. 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 its realization. The enhanced amount shall be distributed equally amongst the claimants, as by now, the two minor sons have become major. The liability shall remain the same as has already been assessed by the Tribunal.

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

(AMIT RAWAL)
JUDGE

August 04, 2017
Pankaj*

Whether reasoned/speaking Yes

Whether reportable No