

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

FAO No.1411 of 2006

Date of Decision.01.08.2017

Madan Lal and another

.....Appellants

Vs

Daya Ram and others

.....Respondents

Present: Mr. S.S. Khurana, Advocate
for the appellants.

Mr. D.P. Gupta, Advocate
for the insurance company.

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 18 years died in a motor accident occurred on 31.03.2003, stated to be working as labourer in the brick kiln. The claimants are parents.

The Tribunal while assessing the compensation awarded a compensation of ₹1,50,000/- in lump sum with interest 6% per annum from the date of filing of the claim petition till its realization.

Mr. Khurana, learned counsel appearing on behalf of the appellants submits that the deceased used to earn ₹6000/- per month whereas the Tribunal awarded an amount of ₹1,50,000/- in lump sum which is against the ratio decidendi culled out by Hon'ble Supreme Court in **Sarla Verma Vs. DTC 2009(6) SCC 121**, thus, there is illegality and perversity.

Mr. D.P. Gupta, learned counsel appearing for the insurance company submits that the accident had taken place way back in the year 2003, therefore, the amount of ₹1,50,000/- is perfectly legal and justified and there is no scope for further enhancement.

I have heard learned counsel for the parties, appraised the paper book and of the view that the amount of compensation is required to re-assessed in view of the ratio decidendi culled out by Hon'ble Supreme Court in **Sarla Verma** (supra) and the subsequent judgments. I will take the income of the deceased as ₹2000/- per month, apply a 50% cut towards personal expenses and adopt a multiplier of 18 suitable to the age of the deceased. In addition to this, I will also provide ₹50,000/- each towards loss of love and affection to the parents, ₹10,000/- towards loss of estate and ₹25,000/- for funeral expenses.

In total, the compensation payable shall be ₹3,51,000/-. 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 its realization. The enhanced amount shall be distributed equally between the claimants. The liability shall remain the same as has been fastened by the Tribunal.

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

(AMIT RAWAL)
JUDGE

August 01, 2017
Pankaj*

Whether reasoned/speaking Yes

Whether reportable No