

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

FAO No.3656 of 2009 (O&M)

Date of Decision.03.08.2017

Smt. Urmila Devi and others

.....Appellants

Vs

Sidhu Ram @ Jassi and others

.....Respondents

Present: Mr. R.S. Mamli, Advocate
for the appellants.

Mr. R.C. 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 person aged 38 years namely Raghbir Singh, who, on 06.10.2007, while travelling on a motor cycle as pillion rider met with an accident with a truck bearing registration No.HR-37-A-6592, being driven rashly and negligently by its driver. The claimants were widow, one minor daughter and mother. The deceased was stated to be an agriculturist and engaged in stitching work. His income from both the professions was claimed to be ₹10,000/- per month.

The Tribunal while assessing the compensation took the income of the deceased as ₹3000/- per month, deducted 1/3rd towards personal expenses and applied a multiplier of 16. It also provided ₹10,000/- for funeral expenses, thus, in toto assessed a compensation of ₹3,94,000/- with interest @9% per annum from the date of filing of the claim petition till realization.

Mr. Mamli, learned counsel appearing on behalf of the

appellants submits that the income assessed by the Tribunal as ₹3000/- is on lower side, much less, nothing has been provided for loss of consortium, loss of love and affection and loss of estate, thus, the award is liable to be modified.

Mr. R.C. Gupta, 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 though the Tribunal has adopted a multiplier of 16 whereas it should have been 15 for a person aged 38 years, still there is scope for enhancement. In the absence of any cogent income proof, I will retain the income of the deceased as taken by the Tribunal i.e. ₹3000/- per month and deduction of 1/3rd towards personal expenses, however, I will adopt a multiplier of 15 suitable to the age of a person aged 38 years. I will also provide ₹1,00,000/- to the widow for loss of consortium, ₹1,00,000/- for loss of love and affection to the child and ₹50,000/- to the mother, ₹10,000/- towards loss of estate and ₹25,000/- towards funeral expenses.

In total, the amount of compensation payable shall be ₹6,45,000/-. 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 in the ratio of 2:2:1 i.e the mother shall get half of the share of widow and child. The liability shall remain the same as has already been assessed by the Tribunal i.e. the insurance company shall be liable to pay the compensation.

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

August 03, 2017
Pankaj*

(AMIT RAWAL)
JUDGE

Whether reasoned/speaking	Yes
Whether reportable	No