IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

XOBJ No. 15-CII of 2006 in
FAO-4485-2005
Date of Decision: July 26, 2017

Satbir Singh and another

..Appellant(s)

Versus

Azad Singh and others

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. S.S. Kharab, Advocate
for the Cross-Objectors.

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ANITA CHAUDHRY, J.

An appeal bearing FAO-4485-2005 was filed by the driver-owner impugning the award dated 12.08.2005. Cross-objections were preferred by the claimants but somehow the appeal filed by the owner-driver came to be decided and the cross-objections were not decided probably because the record was burnt in a massive fire, which took place in the High Court in 2011.

The appeal filed by the owner-driver was dismissed on 05.08.2013. Subsequently, the cross-objections were dismissed in default which were restored and notice was given and no-one had appeared.

Counsel for the cross-objectors urges that Birmati had died in an accident which took place on 23.03.2003 and she had left behind three sons and a daughter and husband and her notional income was taken as Rs.1,800/- per month and 1/3rd was deducted towards personal expenses and considering her age to be 45, multiplier of 12 was applied and compensation was calculated as Rs.1,72,800/- besides Rs.10,000/-, Rs.2,500/- and Rs.2,000/- were awarded towards medical expenses, loss of estate, consortium and funeral expenses and total compensation of Rs.1,87,300/- was allowed.

The counsel submits that in the case of *Jasbir Kaur (Supra) and Lata Wadhwa v. State of Bihar(2001) 8 SCC 197* the Apex Court had taken the income of the house-wife to be Rs.3,000/- per month and that should be taken into account and the multiplier of 15 may be applied to calculate the loss.

The income of Birmati was taken as Rs.1,800/- which was on the lower side. The income of a house-wife could be taken as Rs.3,000/- per month. There can be no deduction. Calculating the loss, the compensation would be Rs.3,000/- x 12 x 14 = Rs.5,04,000/-. The amount that would be payable would be as follows:-

1.	Loss of Income (Rs.3,000/- x 12 x 14)	Rs.5,04,000/-
2.	Loss of Consortium	Rs.25,000/-
3.	Medical Expenses	Rs.10,000/-
4.	Funeral Expenses	Rs.5,000/-
5.	Loss of Love & Affection for the children	Rs.50,000/-
	Total	**Rs.5,94,000/-**

The Tribunal had allowed Rs.1,87,000/- which would be deducted and the remaining amount would be payable with interest @ 6% from January 2006 till realization. The liability of payment of compensation would be of the owner-driver.

The cross-objections are partly allowed.

July 26, 2017
sunil

(ANITA CHAUDHRY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No