IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.5244 of 2014 (O&M)
Date of Decision: 03.10.2017

Amrinder Singh and others

...Appellant(s)

Versus

Bhura Singh and others

...Respondent(s)

CORAM:-HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. B.D.S. Virk, Advocate
for the appellant(s).

Mr. Akash Sridhar, Advocate for
Mr. Ashwani Talwar, Advocate
for respondent No.3-Insurance Company.

ANITA CHAUDHRY, J.

This is the claimant's appeal seeking enhancement of the award dated 25.10.2013 passed by the Motor Accident Claims Tribunal, Fast Track Court, Patiala.

Baldev Singh was Assistant Sub Inspector working with Patiala Police. He met with an accident on 01.05.2011. His wife had pre-deceased him. The claim petition was filed by the major sons and daughter and his mother. The Tribunal took the income noted in salary certificate Exhibit PW-4/A and noticed that he was getting a salary of Rs.23,279/- and added Rs.4,000/- as income from agriculture pursuits. A deduction of 1/4th was made and multiplier of 9 was applied to calculate the loss of income at Rs.22,09,680/-. A sum of Rs.10,000/- was added for loss of love and affection and Rs.5,000/- as funeral expenses which raised the total to

Rs.22,24,680/-.

The submission on behalf of the appellants is that the age of the deceased has been wrongly taken and correct multiplier was not applied and multiplier of 11 should have been applied. The counsel had further submitted that the amount allowed for loss of love and affection and funeral expenses was on the lower side and the mother of the deceased should have been allowed separate compensation for loss of love and affection and loss of estate. The counsel also submits that the deceased owned land and the *Jamabandi* was produced on record and the amount added as income from agriculture was on the lower side and if a supervisor was to be appointed, the amount payable to him would be more than Rs.4000/-.

The submission on behalf of the Insurance Company is that the land remains with the family and all the children are major and there was no need to engage any person and major sons were not dependent. Counsel further submits that the deceased had turned 55 in January, 2011 and was over 55 years of age, therefore, multiplier of 9 was correctly applied. It is further submitted that no amount for love and affection could be granted as the children were major.

I would not make any change so far as the income is concerned the deceased had left behind children who were major. The Tribunal had already taken note of the income which could be added on account of agricultural pursuits, however, the multiplier which would be applicable would be 11 as the deceased had not turned 56. Making the calculations again after deducting 1/4th towards personal expenses, the compensation would be at Rs.20,460x12x11=Rs.27,00,720, and add Rs.50,000/- for loss of love and affection for the aged mother and allow the following amounts:-

1	**Loss of Income**	**Rs.27,00,720/-**
2	**Loss of love and affection for the mother**	**Rs.50,000/-**
3	**Funeral Expenses**	**Rs.20,000/-**
4	**Loss of estate**	**Rs.1,00,000/-**
	Total	**Rs.28,70,720/-**

The total of the above comes to Rs.28,70,720/-. The Tribunal had allowed Rs.22,24,680/- which would be deducted from the above amount and the remaining amount would be payable with interest would be @ 6% from the date of filing of the appeal till its realization by the Insurance Company.

The appeal is partly allowed.

(ANITA CHAUDHRY)
JUDGE

October 03, 2017
ps-I

Whether Reasoned/Speaking Yes/No
Whether Reportable Yes/No