In the High Court of Punjab and Haryana at Chandigarh

F.A.O No. 6213 of 2013
Date of Decision: 28.2.2017

Krishna ......Appellant

Versus

Arun Thakur @ Sanny and others ......Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Munish Gupta, Advocate
for the appellant.

Mr. Neeraj Khanna, Advocate for
Mr. Ravinder Arora, Advocate
for respondent No. 3.

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ANITA CHAUDHRY, J

This is the claimants appeal seeking enhancement of the award passed by the Motor Accident Claims Tribunal, Hoshiarpur.

Counsel for the appellant at the outset while relying upon '***Puttamma and others versus K.L.Narayana Reddy and another 2014(1) RCR (Civil) 443'*** urges that the split multiplier has been used to calculate the loss. It was urged that no specific reasons have been given for using the split multiplier and the amount allowed towards funeral expenses and loss of consortium was Rs. 5,000/- each is on the lower side and should be increased.

The liability of the insurance company is not disputed. Therefore, service on respondents No. 1, 2 and 4 had been exempted. Claimants are the widow and married daughter. Ramjit was a peon with PSPCL. His total salary was Rs. 21,055/- per month which included the medical allowance, travelling allowance and washing allowance. The

Tribunal had deducted the allowances and had taken the salary to be Rs. 20,095/- and after deducting 1/3rd towards personal expenses had calculated the loss by also deducting the pension that the widow would get. A split multiplier was used to calculate the loss.

It is settled that in the absence of any specific reasons and evidence, the Tribunal should not apply the split multiplier in routine course and method has to be used as per the case in ***Sarla Verma v. DTC, (2009) 6 SCC 121***. Further the amount of pension could not be deducted nor the deduction could have been made and gross salary should have been taken. Therefore, the calculation will have to be made again.

The deceased was getting salary of Rs. 21,055/- per month and after deducting 1/3rd towards personal expenses, the amount for the family would be Rs. 14,037/-. The contribution would come to Rs. 14,037 x 12 x 9 = 15,15,996/-. To this, an addition of Rs. 20,000/- should be made as funeral expenses (Rs. 5,000/- had already been allowed by the Tribunal). Rs. 95,000/- should be added for loss of consortium (Rs. 5,000/- had already been allowed by the Tribunal) which raises the total to Rs. 16,30,996/-. The Tribunal had allowed Rs. 10,96,507/- which would be deducted and the remaining amount would be paid with interest at the rate of 6% from the date of the filing of the appeal i.e. 7.10.2013 till realization.

The amount would be paid after deducting the tax, if any.

The appeal is partly allowed.

(ANITA CHAUDHRY)
JUDGE

February 28, 2017
Gurpreet

Whether speaking/reasoned : Yes
Whether reportable : No