

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**FAO No.6974 of 2015 (O&M)
Date of Decision: 10.10.2017**

Jarnail Singh

...Appellant(s)

Versus

Joginder Kaur and others

... Respondent(s)

CORAM:-HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Harkaran Singh, Advocate
for the appellant.

ANITA CHAUDHRY, J.

This is the owners appeal disputing the amount awarded to the claimants. The liability of payment of compensation was placed upon respondents No.1 and 2. It was held that the claimants were entitled to only 50% of the amount as it was a case of contributory negligence of both the drivers. The liability of payment of compensation was placed upon the owner/driver as the driver was not holding a valid licence.

Counsel for the appellant contends that the Tribunal has wrongly taken income to be Rs.6,000/- and is on the higher side. It was also urged that the multiplier of 16 has been applied though the deceased was 36 years old.

The claimants have pleaded that the deceased was running electronic goods and repair shop and was earning Rs.30,000/- per month. It was also disclosed that he had a diploma in Radio and TV Mechanic from Industrial Training Institute, Moga. The Tribunal noted

that no evidence has been led to show that he was running electronic shop, therefore, his income was taken as that of a labourer and a deduction of 1/4th was made and multiplier of 16 was applied as the Court noted that Jagjiwan Singh was 38 years old. No doubt if the deceased was 38 years old the correct multiplier should have been 15 but I find that the amount which was allowed for loss of consortium was only Rs.25,000/- and no amount had been allowed to the minor children. Therefore, the excess amount that was granted by using a wrong multiplier can be said to be adjusted on the heads for which no compensation was given.

I find no merit in the appeal and is dismissed in *limine*.

October 10, 2017

ps-l

**(ANITA CHAUDHRY)
JUDGE**

Whether Reasoned/Speaking

Yes/No

Whether Reportable

Yes/No