

**IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH.**

FAO No.8402 of 2015 (O&M)  
Date of decision: March 15, 2017

Smt. Kamla Devi ...Appellant

Versus

Joga Singh & others ...Respondents

**CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA**

Present: Mr. S.R. Hooda, Advocate for the appellant.  
Mr. Vijay Saini, Advocate for respondents No.1 & 2.  
Mr. Rajbir Singh, Advocate for respondent No.3.

**Rajan Gupta, J.**

**CM-26484-CII-2015:**

This is an application for condonation of 115 days delay in filing the appeal. For the reasons stated in the application, same is allowed. Delay in filing the appeal is condoned.

**FAO-8402-2015:**

Present appeal has been preferred by the appellant dissatisfied with the compensation granted by the tribunal.

Learned counsel for the appellant submits that tribunal has erred in not granting adequate compensation under usual heads like loss of love and affection and further multiplier of 17 has wrongly been applied.

Learned counsel for respondent No.3 insurance company submits that adequate compensation has been awarded for the death of deceased Sarita daughter of the appellant.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

It appears, accident took place on 8.1.2014, in which Sarita, daughter of the appellant had died. Admittedly, accident was caused due to rash and negligent driving of respondent No.1, driver of the offending vehicle i.e. truck No.HR-38-G-9771. The deceased was 21 years of age at the time of her death. The tribunal had taken monthly income of the deceased as ₹6000/- being casual labourer and after deducting one-half amount of her income as her personal expenses, it assessed monthly dependency of claimant as ₹3000/- i.e. ₹36,000/- per annum. Applying multiplier of '17', it granted ₹6,12,000/-. After adding ₹50,000/- for loss of love and affection, ₹5000/- towards loss of estate and ₹25,000/- for funeral expenses, a total compensation of ₹6,92,000/- has been granted to the claimant. In my considered view, the tribunal has wrongly applied multiplier of '17' instead of '18'. Further it granted a meager amount under the head of loss of love and affection. So, I am of the considered view that appellant would be entitled for another sum of ₹50,000/- towards loss of love and affection. In this way, total enhanced compensation would come to ₹86,000/-. The appellant would also be entitled to interest as awarded by the tribunal. Appeal is allowed in these terms. Award of the tribunal is modified to this extent. Rest of the award is maintained as such.

**(RAJAN GUPTA)**  
**JUDGE**

March 15, 2017  
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No