

as under:-

“This appeal has been filed by the claimants for the enhancement of compensation on account of death of Sh. Lehmbur Singh, aged 23 years, in a motor vehicular accident on 05.08.2000.

The Tribunal while taking the income of Rs.2400/- p.m. assessed the dependency at Rs.1600/- p.m by applying the deduction of 1/3rd and by applying the multiplier of 16 the Tribunal awarded total compensation of Rs.3,07,200/- along with interest @ 9% p.a.

Learned counsel for the appellants has argued that the deceased was a 23 years old boy and was proved to have been working as Carpenter and his income had wrongly been taken as Rs.2400/- p.m. As per the Minimum Wages notification for the relevant period, I find that the income has been correctly assessed. Hence, this contention is rejected.

*Learned counsel for the appellants has further argued that the multiplier of 18 has to be applied instead of 16 as per the age of the deceased as held by the Hon'ble Supreme Court in **Sarla Verma and others v. Delhi Transport Corporation and another, 2009 ACJ 1298.***

*Learned counsel for the appellants has further relied upon the decision of the Hon'ble Supreme Court in the case of **Rajesh and others v. Rajbir Singh and others** reported as **2013(9) SCC 54**, where an amount of Rs.1 lac was awarded towards loss of consortium to the widow and Rs.1 lac each to three minor children for loss of care and guidance.*

*Learned counsel for the appellants has further argued that under conventional heads no amount has been awarded and has relied upon the decision of the Hon'ble Supreme Court in **Vimal Kanwar and others vs. Kishore Dan and others, (2013-3) PLR 776**, where the Hon'ble Supreme Court awarded a sum of Rs.1 lac to the widow and a sum of Rs.2 lac to the minor girl and Rs.1 lac to the mother on account of loss of love and affection, and another sum of Rs.1 lac towards loss of consortium to the widow.*

Learned counsel for the State is not in a position to deny these contentions.

Keeping in view the entire conspectus of facts, I award Rs.25,000/- to the appellants towards funeral expenses. I further direct that multiplier of 18 should be applied. I further award an amount of Rs.1 lac each towards loss of consortium and towards loss of love and affection to the widow-appellant No.1. I further award an amount of Rs.50,000/- to the minor son-appellant No.2 towards loss of love and affection. Since the deceased survived for 3 to 4 days after the accident, I award Rs.10,000/- towards medical expenses.

To my mind apart from the individual enhancements, the entire amount would go to the appellant No.1-widow and the interest rate shall be maintained from the date of filing of the claim petition till its realization.

I further find from the record that another claim petition had been filed by the parents of the deceased. The mother-Jagir Kaur was also accepted as equal claimant by the Tribunal. In my tentative opinion, she

would also be entitled to a sum of Rs.50,000/- towards loss of love and affection. Consequently, I deem it appropriate to implead Jagir Kaur wife of Parkash Singh, resident of Village Bahupur, P.S. Bholath, District Jalandhar, as proforma respondent No.4. Ordered accordingly. Registry is directed to make necessary corrections in the memo of parties.

Let notice be issued to the newly added respondent No.4.

Learned counsel for the appellants undertakes to serve the newly added respondent No.4 by way of dasti process.

To come up on 02.06.2016 to await appearance on behalf of respondent No.4.

April 25, 2016

*Sd/-
(Ajay Tewari)
Judge”*

Perusal of aforesaid order would show that amount of compensation was enhanced. While parting with the order, the Co-ordinate Bench found that the mother Jagir Kaur was also a co-claimant who would be entitled to a sum of Rs.50,000/- towards loss of love and affection and the Court deemed it appropriate to implead said Jagir Kaur wife of Parkash Singh, resident of Village Bahupur, Police Station Bholath, District Jalandhar as proforma respondent No.4. Accordingly, the case was kept pending for service of aforesaid Jagir Kaur so as to enable her to know her entitlement and accept the amount of Rs.50,000/- payable to her. Thereafter, notice was issued to

aforesaid Jagir Kaur/proforma respondent No.4.

Today, Mr. A.S. Virk, Advocate for Mr. P.S. Thiara, Advocate appeared on behalf of respondent No.4 and accepted the entitlement of respondent No.4 arising out of order dated 25.04.2016.

In view of above, this appeal is disposed of in the light of observations made in the order dated 25.04.2016.

Disposed of.

May 25, 2018	(RAJ MOHAN SINGH)
Prince	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No