

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND  
HARYANA AT CHANDIGARH

FAO No.179 of 2004 (O&M)

Date of Decision.05.04.2018

Smt. Pushpa Devi and others

.....Appellants

Vs

Jaspal and another

.....Respondents

**CORAM:HON'BLE MR. JUSTICE AMIT RAWAL**

Present: Mr. Rakesh Nehra, Advocate  
for the appellants.

Mr. Kulvir Narwal, Advocate  
for respondent No.1.

Mr. Ravinder Arora, Advocate  
for respondent No.2.

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**AMIT RAWAL J.(ORAL)**

The appeal is for enhancement of compensation for death of one Jeet Singh, who died in a motor accident occurred on 23.06.2001. He took lift in a Tata 407 bearing No.HR-46-A-6393 driven by respondent No.1 and sat on *tirpal* covering the sand loaded in the vehicle. When they reached near Gurgaon minor, the driver lost control over the vehicle and vehicle fell into the canal. The deceased-Jeet Singh got stuck into the *tirpal* and could not come out of water, thus, died due to drowning. An FIR bearing No.130 dated 23.06.2001 was also registered at Police Station Kharkhoda. The deceased was stated to be working in the BSF and drawing a salary of ₹5820/- per month including washing and ration allowance. The claimants are widow, two children and father.

The Tribunal while assessing the compensation of ₹6,78,200/-

took the income of the deceased as ₹4900/- per month, made a deduction of

1/3<sup>rd</sup> towards personal expenses and adopted a multiplier of 17 including ₹5000/- towards transportation and funeral expenses.

Mr. Nehra, learned counsel appearing on behalf of the appellants submitted that the Tribunal grossly erred in deducting the washing and ration allowance from the salary while assessing the compensation. It did not provide future prospects as the deceased was a govt. employee, much less, nothing provided under the heads of loss of consortium and loss of estate. The deduction towards personal expenses ought to have been 1/4<sup>th</sup> instead of 1/3<sup>rd</sup>, thus, there is scope for enhancement.

Per contra, learned counsel appearing on behalf of respondent No.1 and 2 submitted that the Tribunal has assessed all the heads of claim appropriately and there is no scope for enhancement. In fact, the deceased was 32 years old and the choice of multiplier ought to have been 16 instead of 17, thus, there is no scope for enhancement.

I have heard learned counsel for the parties, appraised the paper book and of the view that there is no force and merit in the submissions of Mr. Nehra. The Tribunal has rightly assessed the income of the deceased as ₹4900/- per month. Though the choice of multiplier is wrong, it should have been 16 instead of 17 but I would not interfere as the same would take care of future prospects. The amount provided towards transportation and last rites is sufficient keeping in view the fact that the accident took place in the year 2001.

In view of the aforementioned, I do not find any scope for enhancement. However, the liability to pay the compensation shall be upon insurance company at the first instance with liberty to recover the same from

the owner and driver in accordance with law.

With the abovesaid modification, the award of the Tribunal is upheld and appeal stand allowed.

(AMIT RAWAL)  
JUDGE

April 05, 2018  
Pankaj\*

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|---------------------------|--------|
| Whether reasoned/speaking | Yes/No |
| Whether reportable        | Yes/No |