

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

220

FAO-1874-2015 (O&M)

Date of Decision : 29.08.2018

Jaswant Kaur and others

..... Appellants

Versus

Harbhajan Singh and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present: Mr. Ranjit Sharma, Advocate
for the appellants.

Service of respondents No.1, 2 & 4 is dispensed with.

Mr. Raj Kumar, Advocate
for the respondent No.3-insurance company.

AJAY TEWARI, J. (Oral)

This appeal has been filed for enhancement of compensation and for modifying the award dated 08.08.2014 passed by the Tribunal awarding compensation of Rs.9,07,500/- alongwith interest @ 6% p.a. on account of death of Jasbir Singh.

Since very limited issue has been raised detailed reference to the facts is not required.

Counsel for the appellants has argued that the deceased was the owner and driver of a truck and consequently the income which was taken @ Rs.50,000/- per annum is grossly inadequate.

Counsel for the respondent No.3 has pointed out that there was

no evidence of ownership but he has accepted that the deceased was a truck driver.

Counsel for the appellants has further pointed out that as per the minimum wages applicable to the State of Punjab at the relevant time, the wages of a skilled worker were approximately Rs.8000/- per month.

Counsel for the respondent No.3 is not in a position to deny this fact.

In the circumstances, the income has to be taken @ Rs.1 lakh per annum instead of Rs.50,000/- per annum. Ordered accordingly.

Counsel for the respondent No.3 has further pointed out that in this case admittedly the deceased had collided with a stationary vehicle and even if it is held that the stationary vehicle was wrongly parked, the deceased could not be absolved of all negligence. I find some merit in this argument and consequently hold that contributory negligence of the deceased would be 30% since he collided with a stationary vehicle.

Counsel for the appellants has then argued that the as per the judgment of the Supreme Court in *Sarla Verma and others v. Delhi Transport Corporation and another, 2009 ACJ 1298*, the multiplier of 15 has to be applied instead of 14.

Counsel for the respondent No.3 has fairly accepted this fact.

In the circumstances, it is held that the multiplier of 15 be applied.

Counsel for the respondent No.3 has further pointed out that under the conventional head a sum of Rs.2,25,000/- has been awarded and as per the judgment of the Supreme Court in *National Insurance Company*

more than Rs.70,000/-.

I find this to be correct. Consequently, I reduce an amount of Rs.1,55,000/- under the conventional heads.

Counsel for the appellants has further argued that the interest @ 6% p.a. is too low. I find merit in this argument. Consequently, I hold that the entire compensation would carry interest @ 7.5% p.a. The apportionment and management would be as per the directions of the Tribunal.

Appeal stands disposed of and the award is modified accordingly.

Since the main cases have been decided, the pending civil miscellaneous application, if any, also stands disposed of.

August 29, 2018
ashish

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No