

DIWAKER GULATI
2018.09.18 11:25

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

Date of decision: 7.9.2018

1. **FAO No. 8777 of 2014(O&M)**

Pardeep Kaur and anotherAppellants

VERSUS

Pargat Singh and othersRespondents

Present: None for the appellants.

Mr. Sanjeev Banga, Advocate for respondent No.2.

Mr. Vinod Gupta, Advocate for respondent No.3.

2. **FAO No. 9275 of 2014(O&M)**

Taranjit SinghAppellant

VERSUS

Pargat Singh and othersRespondents

Present: None for the appellants.

Mr. Sanjeev Banga, Advocate for respondent No.2.

Mr. Vinod Gupta, Advocate for respondent No.3.

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

REKHA MITTAL, J. (Oral)

This order will dispose of FAO Nos.8777 and 9275 of 2014 as these have emerged out of the same accident that took place on 24.05.2009 in which Kulwant Kaur, Taranjit Singh and Harish Kumar @ Naib

received injuries that proved fatal for Kulwant Kaur and Harish Kumar @ Naib.

FAO No.8777 of 2014

The appeal has been filed by the claimants seeking enhancement of compensation on account of death of Kulwant Kaur aged 55 years.

The Tribunal has allowed compensation of Rs.4,60,000/- detailed hereunder:-

Monthly loss of value of services of the deceased	Rs.5000/-
Deduction for personal expenses	1/3 rd
Multiplier	11
Loss of dependency	Rs.4,40,000/-
Expenses on funeral	Rs.20000/-

The occurrence in question took place in the year 2009 and the deceased was 55 years old. Value of services of the deceased assessed by the Tribunal is correct and affirmed. However, there would be no deduction for personal expenses, in the light of Division Bench judgment of this Court **Paramjit Singh and another Vs. Dilbagh Singh @ Bagga and others, 2013(3) Law Herald 2730.** Multiplier adopted by the Tribunal is correct and affirmed. In this manner, loss of dependency is calculated at Rs.6,60,000/- (Rs.5000/- x 12 x 11).

Under conventional heads, the claimants are entitled to a sum of Rs.15000/- for funeral expenses.

In view of the above, total compensation comes to Rs.6,75,000/- and the additional amount is Rs.2,15,000/- (Rs.6,75,000/- -

Rs.4,60,000/-) payable with interest at the rate of 7.5% per annum from the date of petition till realization, in terms of the award passed by the Tribunal.

The appeal is partly allowed in the aforesaid terms leaving the parties to bear their own costs.

FAO No.9275 of 2014

With regard to injuries sustained by Taranjit Singh, the Tribunal has allowed compensation of Rs.63,668/- detailed hereunder:-

Medical expenses	Rs.55,518/-
Attendant charges	Rs.1650/-
Pain and sufferings	Rs.2500/-
Special diet	Rs.2000/-
Conveyance charges	Rs.2000/-

The Tribunal in para 11 of the award has noticed that injured aged 19 years was admitted in hospital on 24.05.2009 and discharged on 03.06.2009. The Tribunal has allowed reimbursement of medical expenses of Rs.55,518/- and the same is affirmed. The injured did not examine the doctor to prove the nature of injuries sustained in the occurrence. However, it remains a fact that the injured remained hospitalized for a period of 11 days. The Tribunal has allowed attendant charges at the rate of Rs.150/- per day for a period of 11 days of hospitalization. The claimant shall be entitled to attendant charges for a period of one month to the tune of Rs.3000/- (additional amount of Rs.1350/-). Compensation allowed for pain and sufferings, transportation and special diet to the tune of Rs.6500/- is enhanced to Rs.10000/- (additional amount of Rs.3500/-).

In view of the above, total compensation comes to Rs.68,518/- and the additional amount is Rs.4850/- (Rs.68,518/- - Rs.63,668/-) payable with interest at the rate of 7.5% per annum from the date of petition till realization.

The appeal is partly allowed in the aforesaid terms.

SEPTEMBER 7, 2018

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned : yes/no

Whether reportable : yes/no