

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

247

FAO-2399-2017 (O&M)

Date of decision: 22.11.2019

ASHA RANI & ORS

... Appellants

Versus

AMANDEEP SINGH & ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Tarun Sharma, Advocate for
Mr. RS Bajaj, Advocate for the appellants.
Mr. Sukhdarshan Singh, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Darshan Lal in a motor vehicular accident that took place on 02.08.2013.

The Tribunal awarded Rs.10,85,000/-, detailed hereunder:-

Monthly income of the deceased	Rs.15,000/-
Multiplier	8
Deduction for personal expenses	1/3 rd
Loss of dependency	Rs.9,60,000/-
Expenses on funeral	Rs.25,000/-
Loss of consortium	Rs.1,00,000/-

The plea of claimants is that deceased was working as Security Guard with M/s Field Marshall Security Guard Agency Pvt. Ltd. at salary of Rs.15,500/- per month. They examined Teenu Sharma, Company Manager AW2 to prove employment and income of the deceased. As per testimony of Teenu Sharma, deceased was getting salary of Rs.15,100/- per month but the Tribunal has rounded off the same to Rs.15,000/- per month. The Tribunal should have assessed income of the deceased at Rs.15,100/- per month, in its endeavour to assess just and reasonable compensation. Accordingly, income of the deceased shall be taken at Rs.15,100/- per month. Claimants shall be entitle to addition in income for future prospects @ 10%. The Tribunal has noticed, in para 11 of the award, that claimants produced photostat copy of identity card mark A wherein deceased is mentioned to be 48 years as on 01.01.2006. The accident took place on 02.08.2013 meaning thereby that the deceased was between the age of 55-56 years at the time of

accident. In view of judgment of Hon'ble the Supreme Court **Sarla Verma & Ors vs Delhi Transport Corp.& Anr, 2009 (3) RCR (Civil) 77**, multiplier of 11 for the age bracket of 51-55 years and 9 for 56 to 60 years is admissible. The Court has not addressed the question that if a person is more than 55 years but less than 56 years what should be the multiplier. Taking into consideration the legislative intent behind the provisions providing for compensation, admissible multiplier in the circumstances would be 11. In this manner, loss of dependency is calculated at Rs.14,61,680/- [(15,100 x 12 x 11) + (10% future prospects) – (1/3rd deduction for personal expenses)].

Under conventional heads, compensation allowed is modified to the effect that claimants shall be entitle to Rs.70,000/-, detailed hereunder:-

1. Loss of consortium	Rs.40,000/-
2. Loss of estate	Rs.15,000/-
3. Funeral expenses	Rs.15,000/-

Total compensation is Rs.15,31,680/- and additional amount is Rs.4,46,680/- (15,31,680 - 10,85,000), payable with interest @ 7.5% per annum from the date of petition till realization, to widow of the deceased to be invested in fixed deposit for a period of two years.

The appeal is partly allowed in the aforesaid terms.

22.11.2019

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No