

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

FAO No.5814 of 2002
Date of Decision.30.06.2014

Ram Dutt and anotherAppellants

Versus

Dharam Vir and othersRespondents

Present: Ms. Dhriti Sharma, Advocate for
Mr. Sanjeev Sharma, Advocate
for the appellants.

Mr. D.P. Gupta, Advocate
for the insurance company.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

- 1. Whether Reporters of local papers may be allowed to see the judgment ?
- 2. To be referred to the Reporters or not ?
- 3. Whether the judgment should be reported in the Digest?

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K. KANNAN J.

1. The appeal is for enhancement of compensation for death of a female aged 45 years in a motor accident that took place on 21.08.2000. Both the claimants, who are sons of the deceased, stated that their mother was working as labourer in a factory and was earning ₹ 2500/- per month. The Tribunal while assessing a compensation of ₹ 1,80,000/- took the income of the deceased as ₹ 1500/- per month and adopted a multiplier of 15. I will retain the income assessed by the Tribunal but provide a future prospect of increase at 30% and rework the compensation as under:-

FATAL ACCIDENT Smt. Daropti			
Age	45 years		
Occupation	Labourer in Pentex		
Claimants	Two sons		

FATAL ACCIDENT Smt. Daropti			
	Heads of claim	Tribunal	High Court
Sl. No.		Amount (Rs)	Amount (Rs.)
1	Income	1500	1500
2	Add, % of increase 30%		1950
3	Less, Deduction 1/3 rd		1300
4	Multiplicand (annualized by multiplying 12)		15600
5	Multiplier	15	14
6	Loss of dependence	1,80,000	2,18,400
7	Medical Expenses & Transportation		
8	Loss of Consortium		
9	Loss of love and affection		50,000
10	Loss to estate		2500
11	Funeral expenses		10,000
	Total	1,80,000	2,80,900

2. The total compensation payable shall be ₹ 2,80,900/-. The amount in excess over what has already been provided by the Tribunal shall also attract interest @7.5% from the date of petition till the date of payment. The entitlement shall be distributed equally amongst the claimants. The liability shall be in the same manner as determined by the Tribunal.
3. The award stands modified and the appeal is allowed to the above extent.

(K. KANNAN)
JUDGE

June 30, 2014
Pankaj*