

HIGH COURT OF JAMMU AND KASHMIR
AT JAMMU

CIMA No.119/2008

Date of order:-11/08/2016

Krishan Lal and ors.

Vs.

Som Raj and ors.

Coram:

Hon'ble Mr. Justice Ramalingam Sudhakar, Judge

Appearing counsel:

For the Appellant (s) : None.

For the respondent(s) : Mr.Baldev Singh, Advocate.

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| (a) | Whether approved for reporting in
-Net | : Yes |
| (b) | Whether approved for reporting in
Press/Media | : No |
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1. This appeal is of the year 2008.
2. Appellants/claimants seek modification of the award on the ground that for determining the pecuniary loss, the Tribunal fixed the loss of dependency at 1/3rd whereas it should be one-half.
3. Here is a case of death of a 19 year old bachelor - a conductor by vocation. The income of the deceased was fixed at Rs.3,000/- and the Tribunal erroneously fixed the dependency at 1/3rd in respect of the parents and unmarried sister. Due to this error, adopting the multiplier of 15, lesser award of Rs.1,90,000/- was granted. Furthermore, no amount has been granted for loss of love and affection and meager amount has been granted for funeral expenses and allied services.

4. Taking note of the above, the appeal stands allowed and the compensation stands enhanced in the following manner:

$\text{Rs.}3000 \div 2 = \text{Rs.}1500/-$ $\text{Rs.}1500 \times 12 = \text{Rs.}18,000/-$

$\text{Rs.}18,000 \times 15 = \text{Rs.}2,70,000/-$

Loss of dependency	Rs. 2,70,000/-
Funeral and allied expenses	Rs.15,000/-
Loss of love and affection to the parents	Rs.10,000/- each
Loss of love and affection to the sister	Rs.10,000/-
Total	Rs.3,15,000/-

The appellants shall be entitled to enhanced award along with interest @ 7% per annum as awarded by the Tribunal.

5. Appeal stands allowed.

(Ramalingam Sudhakar)
Judge

Jammu,
11.08.2016
Varun