

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

FAO No. 5404 of 2011 (O&M)

Date of decision: 23.05.2016

Rigzin Dolma and others

... Appellants

versus

Karandeep Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Ms. Ekta Thakur, Advocate for the appellants.

Mr. Suvir Dewan, Advocate for respondent No.3.

K.Kannan, J. (ORAL)

The appeal is for enhancement of compensation for death of a male aged 28 years. He was a senior research fellow in Panjab University and drawing a salary of Rs. 9,000/-. The claimants were parents and his own siblings. The negligence of the driver of vehicle that was involved in the accident was taken as established and the Tribunal has assessed Rs. 5,98,500/- as compensation with interest @ 7.5%.

Counsel seeks for recomputation of compensation making provision for prospect of increase and application of multiplier according to the age of the deceased. The counsel also seeks enhancement of sums for loss to estate and love and affection.

I rework the compensation taking income at Rs. 9,000/- making a provision of prospect of increase at 50% and deducting 50% in the manner provided in Sarla Verma Vs. Delhi Transport Corporation, 2009 (3) RCR (Civil) 77, and apply the multiplier of 17 in the manner suggested by the Supreme Court in Munna Lal Jain and

another Vs. Vipin Kumar Sharma and others, (2015) 6 SCC 347. The loss of dependancy will be Rs. 13, 77,000/-and additional expenses of Rs. 25,000/- towards funeral expenses, Rs. 10,000/-towards loss to estate and Rs. 1,00,000/-for loss of love and affection to the parents and to the siblings. The compensation shall be Rs. 15,12,000/- and the additional amount of compensation which has already been assessed will attract interest @ 7.5%. The additional compensation shall be taken by the parents only. I do not believe that there is a need for making any provision to the brother and sister when their own parents are there to support them. The liability shall be in the same manner as determined by the Tribunal.

The award is modified and the appeal is allowed to the above extent.

(K.KANNAN)
JUDGE

23.05.2016
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