
(2010) 12 P&H CK 0497
In the Punjab And Haryana At Chandigarh
Case No : FAO No. 2620 of 1996

Chhano and Others

APPELLANT

Vs

Dalbir Singh and Others

RESPONDENT

Date of Decision : 24-12-2010

Acts Referred:

Citation : (2010) 12 P&H CK 0497

Hon'ble Judges : K. Kannan, J

Bench : Single Bench

Final Decision : Allowed

Judgement

K. Kannan, J.—The appeal is for enhancement of compensation for the death of a 40 years old person, who was an agricultural labourer in an accident that had occurred in an accident on 6.10.1992. The claimants were widow, two minor sons, two daughters and an aged mother. Since the scales of compensation and parameters for its determination are reasonably well settled, I will not find an occasion to dismiss it for default, but I proceed to examine the case on its merits with the assistance from the counsel appearing for the Respondents.

2. The evidence was given by widow Chhano, who said that she had, at the time of evidence, daughter aged 20 years, yet another daughter aged 17 years, and sons were aged 15 and 13. She also gave evidence that the deceased was a blacksmith and used to earn Rs. 3500/- to Rs. 4000/- per month. The Tribunal took income as Rs. 1500/- per month on the ground that even a labourer gets Rs. 1500/- per month. A Blacksmith is a semi-skilled labourer and I will provide a little more of what could be taken as an unskilled person and take the income to be Rs. 2500/- per month and take the contribution to the family at Rs. 2000/- per month. The yearly contribution would be Rs. 24000/-. I will adopt a multiplier of 15 and take the compensation at Rs. 3,60,000/-. I will add another Rs. 15000/- towards the conventional heads of claim for loss of consortium and loss of love and affection for the children, besides funeral expenses and loss of estate. The Tribunal has determined a compensation at Rs. 1,92,000/- and the

amount in excess over what has been already determined by the Tribunal shall attract interest @ 6% from the date of petition till the date of payment.

3. The liability amongst the Respondents shall be in the manner determined by the Tribunal. The increased compensation shall fall to be divided amongst the widow and children equally.

4. The appeal is allowed to the above extent.