
(2014) 05 P&H CK 0527
In the Punjab And Haryana At Chandigarh
Case No : FAO No. 1387 of 2003 (O&M)

Shri Nand Lal Bhatia

APPELLANT

Vs

Shri Chotan and Others

RESPONDENT

Date of Decision : 23-05-2014

Acts Referred:

Citation : (2014) 05 P&H CK 0527

Hon'ble Judges : K. Kannan, J

Bench : Single Bench

Advocate : Pawan Attri, Advocate for Mr. Ashit Malik, Advocate for the Appellant; Sandeep Kotla, Advocate for Respondents 1, 2 and Mr. Sanjiv Pabbi, Advocate for Respondent No. 3-Insurance Company, Advocate for the Respondent

Final Decision : Partly Allowed

Judgement

K. Kannan, J.—The appeal is for enhancement of claim for compensation for death of a male, aged 32 years. He was said to be a Mistry, earning Rs. 5,000/- per month. The claimant was father and 3 brothers. The Tribunal took the income at Rs. 2,070/- per month, assessed the contribution to the father at Rs. 1,400/- per month, applied a multiplier of 10 and assessed a compensation of Rs. 1,78,000/- with interest at 9% per annum.

2. In the absence of any documentary material relating to income which in the very nature of employment was not possible, the Tribunal took the average income at Rs. 2,070/- per month and considering the fact that the accident took place in the year 1998, I will retain the same. I will, however, apply a prospect of increase at 50% and rework the compensation as under:-

There shall be an award of Rs. 3,60,580/- and the additional amount secured through this award will attract interest at 7.5% per annum from the date of petition till date of payment. The liability shall be on the insurer. The entitlement shall be only to the father and it shall be open to him to provide for appropriate support to his sons, for, in the presence of father, brothers cannot treat

themselves as dependents on the elder brother.

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