

(2014) 03 P&H CK 0194
In the Punjab And Haryana At Chandigarh
Case No : FAO No. 2371 of 1999

Smt. Rajeshwari and Others	Vs	APPELLANT
National Insurance Company		RESPONDENT

Date of Decision : 27-03-2014

Acts Referred:

Citation : (2014) 03 P&H CK 0194

Hon'ble Judges : K. Kannan, J

Bench : Single Bench

Advocate : Sudhir Hooda, for the Appellant; Rohit Goswami, for the Respondent

Final Decision : Partly Allowed

Judgement

K. Kannan, J.—The appeal is for enhancement of compensation for death of driver of (tractor) trailer. The claimants were widow and five minor children. It was case of collision of the trailer with the truck and adjudging that the truck was travelling at a higher speed, the Tribunal apportioned the liability for the accident between the driver of the trailer and the truck at 30:70. I affirm the finding as appropriate. There was evidence of the employer that he was paying his driver Rs. 3000/- to Rs. 3500/-. The Tribunal took the income at Rs. 3000/- and assessed the loss of dependence at Rs. 2,88,000/- and after a partial abatement of 30% assessed a compensation of Rs. 2,01,000/-. I shall rework the compensation on the scales suggested by the Supreme Court in Smt. Sarla Verma and Others Vs. Delhi Transport Corporation and Another, and Rajesh and Others Vs. Rajbir Singh and Others, for prospect of increase, multiplier and the conventional heads and tabulate as follows:-

2. On the sum determined after making an abatement of 30%, the amount payable shall be Rs. 5,93,730/- with interest @7.5% from the date of petition till the date of payment. The liability shall be as determined by the Tribunal on National Insurance Company. It shall be distributed equally amongst all the claimants. The award passed by the Tribunal stands modified and the appeal is

allowed to the above extent.