
(2011) 08 P&H CK 0178
In the Punjab And Haryana At Chandigarh
Case No : FAO No.6158 of 2010

Smt. Sarbati

APPELLANT

Vs

Liyaqat and Others

RESPONDENT

Date of Decision : 18-08-2011

Acts Referred:

Citation : (2011) 08 P&H CK 0178

Hon'ble Judges : Jitendra Chauhan, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Jitendra Chuahan, J.—Heard.

2. A perusal of the case file would reveal that the deceased died in a road accident at the age of 28 years. The annual dependency of the claimant upon the income of the deceased was assessed as Rs. 21,600/-. The deceased left behind him her widowed mother. The learned trial Court, after deducting 50% income of the deceased towards his personal expenses, applied a multiplier of 8 and thus arrived at compensation of Rs. 1,72,800/-. Besides this, an amount of Rs. 7200/- was awarded towards funeral expenses, transportation and last rites. However, no compensation has been granted towards love and affection.

3. In the fact situation, I feel that the learned Tribunal after considering the income of the deceased, dependency and age of the deceased, applied a suitable multiplier of 8 in view of law laid down by Hon'ble the Supreme Court in Smt. Sarla Verma and others Vs. Delhi Transport Corporation and another, 2009(3) RCR (Civil) 77. However, the compensation awarded under the heads funeral expenses, transportation and last rites is highly inadequate. Accordingly, the same is enhanced from Rs. 7200/- to Rs. 15,000/-. The claimant is a widow lady and lost her only son in a sudden accident, it was certainly a great shock to her. Since, no compensation has been granted by the learned Tribunal towards love and affection, therefore, this Court is inclined to award a sum of Rs. 25,000/-

towards love and affection, which would meet the ends of justice.

4. The enhanced amount shall carry interest @7 1/2% per annum, which shall be calculated from the date of filing the present appeal till the payment is made.

5. In view of above, the present appeal is partly allowed with the modification indicated above.