

(2014) 05 P&H CK 0239
In the Punjab And Haryana At Chandigarh
Case No : FAO No. 2604 of 2005

Smt. Shashi Khurana and Others

APPELLANT

Vs

Karam Chand and Others

RESPONDENT

Date of Decision : 21-05-2014

Acts Referred:

Citation : (2014) 05 P&H CK 0239

Hon'ble Judges : K. Kannan, J

Bench : Single Bench

Advocate : Nareen Partap Singh, Advocate for the Appellant; Rohit Goswami, Advocate for Mr. D.P. Gupta, Advocate for Respondent No. 3, Advocate for the Respondent

Final Decision : Partly Allowed

Judgement

K. Kannan, J.—The appeal is for enhancement of compensation for death of a male aged 45 years. He was said to be engaged in business of selling washing soaps. The accident had taken place on 18.12.2002 and the claim was made by the widow and two children one was 20 years and another 15 years and the mother on a plea that the deceased was earning about Rs. 7000/- per month.

2. Considering the fact that no evidence was brought for the income which he could have earned if he had been in the business, the Tribunal took the average income at Rs. 2500/- per month. I retain the same but I will apply provision for future increase and rework the compensation by providing for compensation for loss of consortium, loss of love and affection and another heads. The claimants had also claimed Rs. 20,000/- as funeral expenses which I will provide for as claimed. The various heads of claim are tabulated as under:-

3. There shall be an award of Rs. 6,32,000/-. The amount in addition to what has already been provided by the Tribunal shall also attract interest @7.5% from the date of petition till the date of payment. The additional compensation payable shall be distributed amongst the widow, two children and mother in the ratio of

2:2:2:1. The liability shall be on the insurance company.

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