

(2011) 03 P&H CK 0286
In the Punjab And Haryana At Chandigarh
Case No : FAO No. 795 of 1989

Sukhram Singh Alias Shama

APPELLANT

Vs

Raj Kumar and Others

RESPONDENT

Date of Decision : 14-03-2011

Acts Referred:

Citation : (2011) 03 P&H CK 0286

Hon'ble Judges : K. Kannan, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

K. Kannan, J.—The appeal is by the owner and driver of the vehicle which had been involved in the accident in which a compensation of Rs. 1,18,080/- was determined. Learned Counsel points out that the dependency was taken at Rs. 909/- and a multiplier of 10 was adopted. The compensation ought to have been Rs. 1,09,080/- and it could not have been Rs. 1,18,080/- and there was a patent error in calculation.

2. I will not let this be an argument for, the Tribunal had not provided for loss of consortium to the wife and loss to love and affection for the children, nor it has provided for loss to estate and funeral expenses. If there was a mistake in calculation, the over-all assessment could, therefore, be supported.

3. Learned Counsel points out that the multiplier adopted for a person that died, who was 53 years of age, was on the higher side. This argument also cannot be accepted for, the choice of multiplier suggested for a person in the age group of 51-55 was 11 as has been suggested by the judgment of Hon"ble Supreme Court in Smt. Sarla Verma and Others Vs. Delhi Transport Corporation and Another, and consequently, even the choice of multiplier of 10 cannot be said to be excessive.

4. It is also pointed out that son of the deceased was given employment and therefore, that should have been factored appropriately. Any compassionate engagement arising out of death cannot be a ground for deduction for, a salary

that a person earns is for his own service and not gratuitous. The issue that deduction cannot be made for a salary earned in compassionate scheme of appointment is too well established to make a reconsideration on this aspect.

5. The award is confirmed and the appeal is dismissed.