

Fao No.2190 of 2002 Vs. Fao No.2190 of 2002

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Court : Punjab and Haryana

Decided On : Feb-10-2014

Appellant : Fao No.2190 of 2002

Respondent : Fao No.2190 of 2002

Judgement :

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH FAO No.2190 of 2002 Date of Decision: February 10, 2014 Rakesh Kumar JainAppellant versus Inderjit Sharma and othersRespondents CORAM: HON'BLE Mr.JUSTICE KULDIP SINGH Present: Mr.Manpreet Singh, Advocate for Mr.P.S.Khurana, Advocate for the appellant.

Mr.Suvir Dewan, Advocate for respondent No.2.

Mr.K.S.Rekhi, Advocate for respondent No.3.

Kuldip Singh.

J (Oral) On 29.04.2008, Shashi Jain wife of claimant Rakesh Kumar Jain, while travelling as a passenger in Tata Sumo met with an accident with the truck.

She remained admitted in the hospital for 15-16 days and ultimately succumbed to the injuries.

FIR No.51, dated 30.04.1998 was registered against respondent No.1.

It was stated that the deceased was running a beauty parlour in the name and style of 'Shashi Jain Beauty Parlour' and was having handsome income.

The Motor Accident Claims Tribunal, Ludhiana, passed the Award of ` 2,91,000/-.

The claimant Rakesh Kumar Jain has filed this appeal for enhancement of compensation, in which his children, who are Co.claimants are made respondents.

I have heard learned counsel for the parties and have also gone through the case file.

Rani Sarita 2014.02.13 10:05 I attest to the accuracy and integrity of this document Chandigarh FAO No.2190 of 2002 -2- It comes out that there was no proof for the income of the deceased.

Therefore, the Tribunal considered the income of the deceased @ ` 2,000/- and after applying the 1/3rd cut, the dependency of the claimant was calculated @ ` 16,000/- per annum.

Multiplier of 16 was applied.

Deceased was 28 years of age and multiplier of 17 should have been applied.

Therefore, the amount of compensation on account of loss of dependency will increase by ` 16,000/-.

The Tribunal allowed ` 2,000/- as funeral expenses, which are enhanced to ` 25,000/- The claimant has been awarded ` 5,000/- for loss of consortium, which are enhanced to ` 50,000/-.

Medical expenses of ` 25,000/- have been allowed by the Tribunal but nothing was allowed on account of pain & suffering, special diet and attendant for 15 days of admission of the deceased in the hospital.

Therefore, ` 1,000/- per day for pain & suffering, special diet and attendant are allowed.

In this way, ` 15,000/- are allowed as under the abovenoted head.

For loss of love and affection to the children, ` 25,000/- is allowed, which is to be equally shared by them.

In this way, the amount of compensation of ` 1,24,000/- over and above already granted by the Tribunal is allowed, which shall be paid to the claimants with 9% per annum from the date of filing of the claim petition till its realization.

Among the claimants, the compensation amount shall be equally shared except compensation for loss of consortium, which shall go to the husband and loss of love and affection to the children, which shall go to the minor children, who have now become major.

The enhanced amount shall be Rani Sarita 2014.02.13 10:05 I attest to the accuracy and integrity of this document Chandigarh FAO No.2190 of 2002 -3- disbursed by depositing the same in the bank accounts of the claimants, to be furnished before the Tribunal by the Insurance Company.

The appeal is accordingly allowed to the said extent.

(KULDIP SINGH) February 10, 2014 JUDGE sarita Rani Sarita 2014.02.13 10:05 I attest to the accuracy and integrity of this document Chandigarh

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