

Present: Mr. J.S. Virk Advocate Vs. Satpal and Others

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Court : Punjab and Haryana

Decided On : May-21-2014

Appellant : Present: Mr. J.S. Virk Advocate

Respondent : Satpal and Others

Judgement :

FAO No.3190 of 2004 -1- IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH FAO No.3190 of 2004 Date of Decision.21.05.2014 Malkiat Kaur and anotherAppellants Versus Satpal and othersRespondents Present: Mr.J.S.Virk, Advocate for the appellants.

Mr.Suvir Dewan, Advocate for the insurance company.

CORAM:HON'BLE Mr.JUSTICE K.

KANNAN1 Whether Reporters of local papers may be allowed to see the judgment ?.

2.

To be referred to the Reporters or not ?.

3.

Whether the judgment should be reported in the Digest?.

-. K.

KANNAN J.

1.

The appeal is for enhancement of compensation for the death of a male aged 70 years. The claimants who were widow and son stated that the deceased was 65 years of age and though appropriate proof of age would have been possible by production of service records since he was an ex-serviceman and drawing pension, no such proof was adduced.

I will, therefore, go with what is stated in the postmortem certificate as the appropriate age.

The Tribunal took the pension at ` 1800/- per month and provided for compensation of ` 75,000/-.

I will rework the compensation and provide for ` 50,000/- as loss of consortium considering the fact that the deceased was a senior citizen and the wife herself is more than 60 years of age.

The various heads of claim are tabulated as under:- Kamboj Pankaj Kumar
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Chandigarh FAO No.3190 of 2004 -2- FATAL ACCIDENTS Kartar Singh
19.06.2001 Age 70 years Occupation Ex-serviceman Claimants Widow, son
Heads of claim Tribunal High Court Sl.

No.	Amount	Amount (Rs.)	(Rs.)	1	Income	1800	1800	2	Add, % of increase	30% / 50%	3	Less, Deduction	1/3	1200	4	Multiplicand (annualized by 14,400 multiplying 12)	5	Multiplier	5	5	6	Loss of dependence	72,000	72,000	7	Medical Expenses & Transportation	8	Loss of Consortium	50,000	9	Loss of love and affection	10	Loss to estate	2500	11	Funeral expenses	3,000	10,000	Total	75,000	1,34,500	2.
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The compensation payable shall be ` 1,34,500/-.

The additional compensation shall also attract interest @7.5% from the date of petition till the date of payment and the entitlement shall be enforced against the insurance company.

The amount shall be distributed equally between the claimants.

3.

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

(K.

KANNAN) JUDGE May 21, 2014 Pankaj* Kamboj Pankaj Kumar 2014.05.21 17:09

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