SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com

Nirmala Devi and Others Vs. Partap Singh and Others

Nirmala Devi and Others Vs. Partap Singh and Others

SooperKanoon Citation : sooperkanoon.com/1154205

Court : Punjab and Haryana

Decided On : Jul-03-2014

Appellant : Nirmala Devi and Others

Respondent : Partap Singh and Others

Judgement :

Archana arora 2014.07.07 16:28 I am the author of this IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH document FAO No.1268 of 2012 Date of decision: July 03 , 2014 Nirmala Devi and others .....Appellants Versus Partap Singh and others .....Respondents CORAM: HON'BLE Mr.JUSTICE K.

KANNAN Present:- Mr.Y.P.

Khullar, Advocate for the appellants.

**** K.

Kannan, J (oral).1.

The appeal is for enhancement of compensation for death of a male aged 43 yeaRs.He was said to be a driver and earning about Rs.20,000/- per month.

The claimants were widow, one minor son and one major son.

The tribunal however took the income at Rs.4000/- per month and assessed a compensation of Rs.3,52,000/- as the amount payable.

I shall rework the compensation taking the income as assessed by the tribunal to provide for a prospect of increase and also award increased amounts towards loss of consortium and loss of love and affection and tabulate the various heads of compensation as under:- Fatal accidents Date of accident 14.8.2009 Age 43 Occupation driver Claimants: Widow, 1 major, 1 minor son Fatal accidents Date of accident 14.8.2009 S.No.Heads of claim Tribunal High Court (Amount Rs.) Amount (Rs.) 1 Income 4000/- 4000/- Add, % of increase 5200/- 2 30%/50% 3 Deduction 1/3rd 3466.66 4 Multiplicand 41560/- 5 Multiplier 14 6 Loss of dependence 5,82,400/- 7 Medical expenses 8 Loss of consortium 1,00000/- Loss of love and 1,00,000/- 9 affection 9 Loss to estate 2500/- 10 Funeral expenses 25000/- 11 Total 3,52,000/- 8.04.900/- 2.

There shall be an award for Rs.8,09,900/-.

The additonal amount compensation shall attract interest at the rate of 7.5% per annum from the date of petition till the date of payment.

The liability shall be in the same manner as assessed by the tribunal.

The entitlement shall be distributed equally amongst the claimants.

3.

As regards the share of the widow, 50% of the amount is permitted to be withdrawn and rest of the 50% shall be invested in a nationalized bank for a further period of six years splittling the amount in six equal shares.

The fiRs.part for a period of one year, second part for a period of two years and so on up to the sixth part.

As regards the share of the major son the similar directions will follow.

As regards the share of the minor son the entire amount shall be deposited during the period of minority with the directions to the bank to permit the mother to withdraw interest quarterly for maintenance.

75% of the amount shall be permitted to be withdrawn on attaining the age of majority and 25% shall be deposited in a nationalized bank splitting into three equal portions, fiRs.portion for a period of one year, second for a period of two years and third for a period of three yeaRs.The amount shall be disbursed directly by the bank to the claimants on attaining majority without having to apply to the tribunal for withdrawal but under advise to the tribunal.

3.

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

(K.

KANNAN) JUDGE July 03 , 2014 archana

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com