IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.420 of 1993
Date of decision: 25.03.2015

Jhulai Ram and another ....Appellants

Versus

State of Punjab and others ....Respondents

CORAM: HON'BLE MR. JUSTICE K.C. PURI.

Present: Mr. Sushil Sharma, Advocate
for Mr. Gurcharan Dass, Advocate
for the appellants.

Mr. L.C. Aggarwal, AAG, Punjab.

K.C. PURI J. (Oral)

This is an appeal directed by the appellant against the award dated 03.12.1992, vide which the claim petition of the claimant was accepted and a sum of Rs.86,400/-, was granted. The claimants have pleaded that income of the deceased was Rs.1500/- per month. The dependency has been taken as Rs.600/- and the yearly dependency was calculated as Rs.7200/-. The multiplier of 12 was applied. The total amount of compensation was allowed Rs.86400/-.

Learned counsel for the appellant has submitted that no amount in respect of loss of estate, loss of love and affection, funeral expenses and transportation has been allowed by the

Tribunal. The dependency should have also been taken on higher side. The multiplier is also on the lower side.

Learned counsel for respondents No.1 and 2, has supported the judgment of the Tribunal and submitted that adequate compensation has already been allowed by the Tribunal to the claimants.

I have considered the submissions made by counsel for both the parties.

The case of the appellants themselves is that the deceased was running a shop in village Jamalpur and was earning Rs.1500 per month. The deceased was un-married and the age of Jhulai Ram-claimant has been given as 50 years, whereas the Tribunal has taken the age as 55 years.

The income of the deceased is taken as Rs.1500/- per month, which cannot be said to be on lower side. The claimants are parents of the deceased and as such, the dependency has to be calculated by deducting 50% in respect of personal expenses, in view of the authority ***"Smt. Sarla Verma and others vs. Delhi Transport Corporation and another"*** reported in ***2009 (3) R.C.R. (Civil) 77***. So, the yearly dependency comes to Rs.9,000/- (750 X 12). The claimant has stated his age as 50 years and as per Serla Verma's case (supra), the multiplier applicable between the age group of 46 to 50 is 13. So, by applying that multiplier, the amount comes to Rs.1,17,000/-(9000 x 13). Another sum of Rs.10,000/-

stands allowed in respect of funeral expenses, transportation, etc.

Keeping in view the price index for the year 1992, a sum of Rs.20,000/- stands allowed in respect of loss of estate and another sum of Rs.20,000/- stands allowed in respect of love and affection. In these circumstances, the claimants are held entitled to claim Rs.1,67,000/- (1,17,000+10,000+20,000+20,000). So, the claimants are also held entitled to claim interest @ 7.5% per annum from the date of application till payment.

The liability to pay the amount shall be same as ordered by the Tribunal and the amount shall be shared by claimants in equal share.

The appeal stands disposed of, accordingly.

A copy of this order be sent to learned Tribunal for compliance.

(K.C. PURI)
JUDGE

25.03.2015
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