

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

FAO No.868 of 1995 (O&M)

Date of decision: 06.05.2015

Darshan Kaur and others

....Appellants

Versus

Darshan Singh and others

....Respondents

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

Present: Mr. P.S. Ahluwalia, Advocate
for the appellants.

Mr. Rohit Goswami, Advocate
for Mr. Vinod Chaudhari, Advocate
for respondent No.2.

K.C. PURI J. (Oral)

This is an appeal directed by widow and children of deceased-Nishan Singh who died in a motor vehicular accident.

The learned Tribunal after adjudication accepted the claim petition and allowed a sum of Rs.1,20,000/-. The dependency has been taken as Rs.2,000/- per month. The deceased- Nishan Singh was stated to be 52 years of age and as such, the multiplier of 5 has been applied. So, the amount of compensation was calculated as Rs. 1,20,000/-.

Learned counsel for the appellants has submitted that the multiplier applied by the Tribunal is on lower side and 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**, the multiplier applicable at this age is 11. It is further submitted that no amount in respect of consortium, love and affection, funeral expenses and transportation has been awarded.

On the other hand, learned counsel for the insurance company has supported the judgment of the Tribunal.

So far as the dependency of Rs.2,000/- taken by the Tribunal is concerned that has been challenged. So, the dependency has been taken as Rs.2,000/- per month. The yearly dependency comes to Rs.24,000/- (2,000 x 12). The deceased was 52 years of age as per the finding given by learned Tribunal. So, the multiplier applicable in the age group of 51-55 is 11 as per Sarla Verma's case (supra). So, by applying that multiplier the amount of compensation comes to Rs.2,64,000/-. Another sum of Rs.10,000/- stands allowed in respect of expenses on last rites and transportation. Another sum of Rs.25,000/- stands allowed in respect of consortium and another sum of Rs.25,000/- stands allowed in respect of loss of love and affection. So, the claimants are held entitled to claim Rs.3,24,000/- in all. The enhanced amount shall carry 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.

Appeal stands partly accepted to the extent mentioned above.

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

06.05.2015
yakub

(K.C. PURI)
JUDGE