

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.3570 of 2012

Date of Decision.10.09.2015

Balwant Singh and another

.....Appellants

Versus

Sarabjit Kaur and another

.....Respondents

Present: Mr. K.S. Brar, Advocate for
Mr. I.S. Brar, Advocate
for the appellants.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. 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?

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K. KANNAN J.

1. The appeal is at the instance of the owner and the driver of the motor vehicle that was involved in an accident. The claimants were the parents of the deceased who was 23 years of age and was said to be a mechanic drawing a salary of ₹ 8000. The employer gave evidence as regards the salary given to the employee but the Tribunal took the income that was possible at ₹ 4500/-, made a deduction of ₹ 500/- as going towards the personal expenses and took the contribution to the family at ₹ 4000/-. It applied a multiplier of 13 and assessed the compensation of ₹ 6,34,000/-.

2. The appeal is filed by the owner and the driver contending that the compensation assessed is very high. It is also contended that there was no proper proof of the status of the deceased as a mechanic and that the assessment made as regards the choice of multiplier was also

incorrect. The scales of compensation have varied substantially since the time when the judgment was delivered. There is also certitude in the manner of the choice of multiplier for death of a bachelor. The choice of multiplier will depend only on the age of the deceased and not on the age of the parents. There is also a need for making provision for loss of love and affection at ₹ 1 lakh each for each of the parents. If the income were be taken as ₹ 5000/- and as per the decision in *Sarla Verma vs. DTC 2009(6) SCC 121*, 50% of the amount has to be deducted and the multiplier of 18 is taken which is made to depend on the age of the deceased, the loss of dependence will be ₹ 5,48,000/-. If provision is also to be made for loss of love and affection at ₹ 1 lakh each and compensation is also to be assessed for funeral expenses at ₹ 25,000 in the manner provided by the Supreme Court in *Rajesh v. Rajbir Singh, (2013) 9 SCC 54*, the compensation assessed will be found to be even inadequate. I do not propose to modify the compensation for the enhancement since the respondents have not even appeared. Even the statutory amount of ₹ 25,000/- has not been paid in spite of direction given by this Court on 29.04.2013.

3. I maintain the award and dismiss the appeal.

(K. KANNAN)
JUDGE

September 10, 2015
Pankaj*