

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 2468 of 2013 (O/M)
Date of decision : 19.5.2015

Pushpinder Kaur and others Appellants

Versus

Bant Singh and others Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Ms. Ekta Thakur, Advocate, for the appellants.

Mr. D.K. Prajapati, Advocate, for,
Mr. Raghujeet S. Madan, Advocate,
for respondent No. 6.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
 2. To be referred to the Reporter or not.
 3. Whether the judgment should be reported in the digest ?
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KULDIP SINGH, J. (ORAL)

Lower Court record not received. Learned counsel for the parties have agreed that in this case, lower Court record is not required since the dispute is only regarding multiplier and compensation awarded under the heads of funeral expenses and loss of consortium as determined by the authoritative pronouncement of the Hon'ble Supreme Court in case of Sarla Verma Versus Delhi Transport Corporation, 2009 (3) RCR (Civil) 77.

In this case, Shyam Singh (deceased) was a retired XEN from Municipal Corporation, U.T. Chandigarh. The Motor Accident Claims Tribunal, Chandigarh, (in short 'the Tribunal') has assessed the age of deceased at the time of accident as 64 years in view of

his date of birth certificate. The Tribunal applied multiplier of '5'. However, in view of the authoritative pronouncement of the Hon'ble Supreme Court in Sarla Verma's case (supra), the multiplier of '7' should have been applied. The Tribunal awarded Rs. 5,000/- as funeral expenses and Rs. 5,000/- as loss of consortium to the wife. In view of the authoritative pronouncement of the Hon'ble Supreme Court in Sarla Verma's case (supra), Rs. 25,000/- on account of funeral expenses and Rs. 1,00,000/- for loss of consortium are to be allowed. Therefore, the amount of compensation on account of loss of dependency comes to Rs. 2,32,832/- x 7 i.e. Rs. 16,29,824/-. On account of enhancement in the funeral expenses and loss of consortium, the appellants/claimants shall be entitled to total amount of compensation, which is as under :-

	<u>By this Court</u>	<u>By Tribunal</u>
1. Loss of dependency :	Rs. 16,29,824/-	Rs. 11,64,160/-
2. Funeral expenses :	Rs. 25,000/-	Rs. 5,000/-
3. Loss of consortium :	Rs. 1,00,000/-	Rs. 5,000/-
Total	<u>Rs. 17,54,824/-</u>	<u>Rs. 11,74,110/-</u>

The total enhanced compensation shall be paid by the insurance company with interest @ 7.5% per annum from the date of filing of the claim petition till its realization.

(KULDIP SINGH)
JUDGE

19.5.2015
sjks