

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

**FAO No.3618 of 2013 (O&M)
Date of decision: 08.05.2015**

Ram Piari

....Appellant

Versus

Dalbagh Singh and others

....Respondents

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

Present: Mr. Rajbir Singh, Advocate
for the appellant.

Ms. Vandana Malhotra, Advocate
with Ms. Monika Jangra, Advocate
for respondent No.3.

K.C. PURI J. (Oral)

CM No.14803-CII of 2013

For the reasons mentioned in the application, the same
is allowed and the delay of 71 days in filing the present appeal
stands condoned.

Application is disposed of.

FAO No.3618 of 2013 (O&M)

This is an appeal directed by Ram Piari-mother of the
deceased-Saroop Singh, claiming compensation on account of his
death in a motor vehicular accident.

The learned Tribunal after adjudication partly accepted

the claim petition and allowed a sum of Rs.1,70,050/- to the mother of the deceased. The income of the deceased has been taken as Rs.4104/- per month and 30% has been added in respect of future prospects and as such, the income of the deceased has been taken as Rs.5335.1/- and the yearly income has been taken as Rs.64,020/-. The dependency has been calculated by deducting $\frac{1}{2}$ in respect of personal expenses. The multiplier of 5 has been applied by keeping in view the age of mother of the deceased as 69 years and in this manner the amount of compensation was calculated as Rs.1,60,050/-. Another sum of Rs.5,000/- has been granted in respect of loss of estate and Rs.5,000/- in respect of funeral expenses. The mother of the deceased has directed this appeal for enhancement.

Learned counsel for the appellant has submitted that the age of the deceased was 47 years and as such, as per “**Smt. Sarla Verma and others vs. Delhi Transport Corporation and another**” reported in **2009(3) R.C.R. (Civil) 77**, the multiplier of 13 should have been applied by the Tribunal.

I have considered the said submission, but do not find any force in that submission. It is the parents who has to be compensated and as such, the age of the claimant is relevant. So, the multiplier of 5 has been rightly applied.

Learned counsel for the appellant has further submitted that amount of Rs.5,000/- in respect of loss of estate and

Rs.5,000/- in respect of funeral expenses are on lower side. It is further submitted that no amount in respect of love and affection has been awarded.

That argument carries weight and has to be accepted. So, in these circumstances, the claimant is held entitled to claim Rs.20,000/- in respect of expenses on last rites and transportation. The claimant is also held entitle to claim Rs.50,000/- in respect of loss of loss of love and affection and Rs.50,000/- in respect of loss of estate. So, in this manner the claimant is held entitle to claim Rs.1,10,000/- more in addition to the amount awarded by the Tribunal. The aforesaid amount has been granted by keeping in view the price index prevailing in the year 2011. The enhanced amount shall carry interest @ 7.5% per annum from the date of application till payment. The liability to pay the aforesaid amount shall be same as ordered by the Tribunal.

Appeal stands disposed of, accordingly.

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

08.05.2015

yakub

(K.C. PURI)
JUDGE