

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

F.A.O. No.1172 of 1999 (O&M)

Date of Decision : 21.04.2016

Baldev Singh

..... Appellant

versus

Hardeep Singh and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. K.S. Dhanora, Advocate
for the appellant.

Mr. R.K. Bashamboo, Advocate
for the respondent No.3.

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?

AJAY TEWARI, J. (Oral)

This appeal has been filed by the claimant for the enhancement of compensation on account of death of elder brother of the claimant, aged 30 years, in a motor vehicular accident on 23.07.1994.

Brief facts of the case are that on 23.07.1994 Mahinder Singh, deceased, was travelling in truck as cleaner which was coming towards Karnal. When it reached near Village Shamgarh, another truck which was being driven in a rash and negligent manner struck against the truck coming towards Karnal. Due to the accident the brother of the claimant died. The Tribunal while taking the income of Rs.1500/- p.m. and applying the

deduction of 1/3rd for dependency and multiplier of 15 awarded an amount of Rs.1,80,000/- alongwith interest @ 12% per annum.

Learned counsel for the appellant has argued that in the first place as per the judgment passed by the Hon'ble Supreme Court in *Sarla Verma and others v. Delhi Transport Corporation and another, 2009 ACJ 1298* the multiplier of 17 had to be applied. Further he has argued that nothing has been paid on account of funeral expenses and loss of love and affection.

Learned counsel for the respondent No.3-insurance company has argued that in this case deduction had to be 50% since there was one deceased and one claimant and if that would be accepted the amount of Rs.1,80,000/- would cover all the pleas raised by the appellants. Further in case the dependency had been taken at 50% and multiplier of 17 is applied the total compensation would have worked out to be Rs.1,53,000/- and the compensation above and beyond that amount would cover all the other expenses.

To my mind the argument of learned counsel for the respondent No.3-insurance company carries more weight. Consequently, the appeal is dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

April 21, 2016

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(AJAY TEWARI)
JUDGE