

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

FAO No.6225 of 2015 (O&M)

Date of Decision.23.05.2016

Dhanpati

.....Appellant

Vs.

Nagender Yadav and others

.....Respondents

Present: Mr. Vijay Kumar Sheoran, Advocate
for the appellant.

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?

-. -

K. KANNAN J. (ORAL)

C.M. No.10582-CII of 2016

For the reasons stated in the application, delay of 5 days in filing the restoration application is condoned.

Application is allowed.

C.M. No.10583-CII of 2016

For the reasons stated in the application, order passed by this Court on 21.03.2016 is recalled and the appeal is restored to its original number.

Application is allowed.

FAO No.6225 of 2015

1. Delay of 37 days in filing the appeal is condoned.
2. The two grounds of which the appellant seeks for reconsideration of the judgment are that the Supreme Court has provided for ₹50,000/- as funeral expenses and in this case only ₹25,000/- has been

awarded. I cannot understand that provision for ₹50,000/- as point of law established by the Supreme Court to be followed by subordinate courts. I, therefore, reject this argument. The another contention made is that loss to estate must be provided at ₹1 lac and loss of life expectancy must also be provided. This aspect has been considered by this Court in *Sanjida and others Vs. Sanjay Kumar* in FAO No.6803 of 2011 dated 11.01.2016 and after reference to judgments of various courts in India and outside, I have come to the conclusion that the observations made by the Supreme Court in the judgment in *Kalpana Raj and others Vs. TNSCTC 2014(2) RCR (Civil) 876* is to be taken as a direction given by the Supreme Court under Article 142 of the Constitution and cannot operate as binding precedent for this Court. I, therefore, reject this argument as well.

3. I find that the Tribunal has considered the issue of compensation for death of a bachelor to the members of the family at ₹8,94,344/-, taking the income of the deceased as ₹5,342/-, making a provision for 50% increase and adopting a deduction in the manner provided by the Supreme Court in *Sarla Verma Vs. DTC 2009(6) SCC 121* and applied a multiplier according to the age of the deceased. Every one of the parameters to assess the compensation are to a T that conform to law and I find no reason for interference with the award passed by the Tribunal.

4. The appeal is dismissed.

(K. KANNAN)
JUDGE

May 23, 2016
Pankaj*