

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No. 4496 of 2013

Date of decision : 15.02.2017

Kashmir Kaur & anr.

....Appellants

V/s

Ashwani Kumar & ors.

....Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. D.K. Bhatti, Advocate for the appellants.

Mrs. Shamsher Kaur, Advocate for respondent no. 3.

RAJAN GUPTA J.

Claimants have impugned the award passed by the tribunal seeking enhancement of compensation.

Learned counsel for the appellants submits that as per judgment rendered in *Sarla Verma vs. Delhi transport Corporation 2009 (6) SCC, 121*, higher multiplier is applicable in the instant case and compensation has to be computed accordingly.

Learned counsel appearing for respondent no. 3 has opposed the prayer for enhancement.

I have heard learned counsel for the parties.

It appears that an accident occurred on 12.04.2012 in which Parshotam Lal died. An FIR was lodged under sections 304-A/279/427 IPC. After examining the evidence, tribunal came to the conclusion that accident had occurred due to rash and negligent driving by driver of the offending vehicle. In the absence of proof regarding income, it assessed the same as

₹5,000/-p.m. and deducted 50% thereof as expenses for personal use. As the

deceased was a bachelor, age of his mother was taken into consideration and applicable multiplier was found to be 13. Applying multiplier of 13, it arrived at a figure of ₹3,90,000/- (₹2500x12x13). Another sum of ₹10,000/- & ₹5,000/- was awarded towards loss of estate and on account of funeral expenses. In this manner, total compensation was worked out as ₹4,05,000/- During the course of arguments, learned counsel for the appellants submits that keeping in view the age of deceased, 16 would be the appropriate multiplier in view of judgment in Sarla Verma's case supra. I find merit in the plea of the counsel. Ordered accordingly. Applying said multiplier, compensation would come to ₹4,80,000/-(₹30,000x16). In my considered view paltry sum of ₹15,000/- has been granted for loss of estate and funeral expenses. Same be enhanced to ₹30,000/-under these heads. It appears that tribunal while assessing the compensation has not granted any amount on account of loss of love & affection. Appellants are, thus, entitled to another sum of ₹20,000/- under this head. Accordingly, the claimants are entitled to a total compensation of ₹5,30,000/-. Appeal is allowed in these terms and award is modified accordingly.

February 15, 2017

Ajay(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No