

In the High Court of Punjab and Haryana at Chandigarh

134

RSA No.4100 of 2017 (O&M)

Date of decision: 30.11.2017

PAL SINGH & OTHERS

.....Appellants

Versus

DALIP KAUR (DECEASED) TH LRS & ANR

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. A.P.S.Srawaan, Advocate,
for the appellants.

RAJ MOHAN SINGH, J (oral)

CM No.10590-C-2017

For the reasons mentioned in the application, delay of
4 days in filing the appeal is condoned.

Application stands disposed of accordingly.

RSA No.4100 of 2017

Defendants are in second appeal in a suit for
recovery, which was filed by the plaintiffs for damages on
account of murder of Banta Singh caused by defendants No.1 to
11.

Both the Courts have decreed the suit on the basis of criteria enunciated by the Hon'ble Apex Court in **Smt. Sarla Verma and others Vs. Delhi Transport Corporation and another**, 2009 (3) RCR (Civil) 77. The income of the deceased was assessed to be ₹ 3,000/- per month. Keeping in view the age of the deceased to be 65 years, the multiplier to the tune of 7 was applied. Compensation in a sum of ₹ 1,83,000/- along with interest @ 6% per annum from the date of the filing of the suit till final realization of the amount was granted.

Learned counsel for the appellants submitted that as per the pleaded case of the plaintiffs, the annual income of the deceased was only ₹ 10,000/- per annum. No evidence has been produced by the plaintiffs to show that the annual income of the deceased was ₹ 1 lac.

I have considered the submissions with reference to the statement of PW-3 on record.

No evidence has come on record that the annual income of the deceased was only ₹ 10,000/- per annum. The trial Court has not adverted to either income of the deceased to be ₹ 10,000/- per annum or ₹ 1 lac per annum. The case has been decided on the basis of principles enunciated in **Sarla Verma's case (supra)** based on age of the deceased.

De hors the pending appeal against conviction and sentence of the appellants, I do not see any justification for

interference in this regular second appeal.

No law point worth cognizance is involved in this appeal and the same is accordingly dismissed.

(RAJ MOHAN SINGH)
JUDGE

November 30, 2017

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Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No