

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.372 of 2013(O&M)

Date of decision: 30.04.2013

Ramesh son of Ram Pal son of Sukh Lal r/o village Dasau Mau, Post Office Saini, P.S. Khiro, District Rai Bareli, presently residing at Village Badapur, District Kurukshetra and another

.....Appellants

VERSUS

Sher Singh S/o Satpal r/o House No.135/14, Bhagwan Nagar Colony, Pipli, District Kurukshetra and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

1. Whether reports of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the reporters or not? Yes/No
3. Whether the judgment should be reported in the digest? Yes/No

Present: Mr. Rakesh Bakshi, Advocate for the appellants.

K. KANNAN, J.(ORAL)

CM Nos.2252-53-CII of 2013

For the reasons stated, delay in filing and re-filing the appeal is condoned.

Main Case

1. The appeal is for enhancement of claim of compensation for a death of a male aged 32 years. The claimant was the father. The deceased was said to be working as a Labourer and earning Rs.3200/- per month. The Tribunal accepted the same and while providing for

compensation took the monthly contribution to the father at 50% of the same and providing for a multiplier of 16 for a person who was aged between 30 to 35 years on the scale provided by the Supreme Court in P.S. Somanathan Vs. District Insurance Officer and another 2011(2) RCR (Civil) 228 and Sarla Verma Vs. DTC (2009) 6 SCC 510 assessed the loss of dependence at Rs.3,60,000/-. The Tribunal also provided towards for the conventional head Rs.10000/- towards funeral expenses, Rs.10000/- towards loss to estate. The overall compensation assessed was Rs.3,46,400/-.

2. It appears that during the pendency of the appeal the father has also expired and the brothers have been impleaded as parties. On overall consideration when even the claimant did not survive and the application of multiplier of 17 had been made, there is no scope for further enhancement.

3. Appeal is dismissed.

30.04.2013
Diwaker Gulati

[K. KANNAN]
JUDGE