Fao No.592 of 2012 Vs. Sunil Kumar S/O Ashok Kumar and Others

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Court : Punjab and Haryana

Decided On : Mar-13-2013

Appellant : Fao No.592 of 2012

Respondent : Sunil Kumar S/O Ashok Kumar and Others

Judgement :

FAO No.592 o

1. IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH FAO No.592 of 2012 Date of decision:

13. 03.2013 Ramphal S/o Diwan Singh and another ....Appellants VERSUS Sunil Kumar S/o Ashok Kumar and others ....Respondents CORAM: HON'BLE Mr.JUSTICE K.

KANNAN Present: Mr.Rakesh Lathwal, Advocate, for the appellants.

Mr.Ravinder Arora, Advocate, for respondent No.3.

******* K.

KANNAN, J.(ORAL) The appeal is for enhancement of claim of compensation of male aged 28 years by the claimants on parents.

The deceased was brick kiln worker and his income was taken as Rs.3600/-.

The Tribunal applied 50% deduction in the manner set down by the Supreme Court in Sarla Verma versus DTC and applied a multiplier of 12 to be dependent on the age of the elder of the parents.

Counsel argues that the Court should have applied a multiplier suitable to age of the deceased.

We have come by various approaches for determining compensation for death of bachelors where the claimants are parents.

Sarla Verma sets out formula providing for 50% deduction for death of a male where the claimants are the parents and while setting out schedule for multipliers to be adopted it contemplated the choice of multiplier to be dependent only on the age of the deceased.

However, there are several judgments FAO No.592 o

2. of the Supreme court itself which suggest that the choice of multiplier shall depend on the age of the claimant if the claimant is elder to the deceased person.

Even without reference to the said line of judgments, in a still later judgment of the Supreme Court in T.S.Somanathan and others versus District Insurance Officer and another J.2011 (2) Vol.

II SC 242.the Supreme Court observed, after citing the decision in Sarla Verma that there is no law to the effect that the choice of multiplier will have to depend on the age of the claimant.

To provide for consistency, this Court has adopted an approach of applying a formula as prescribed in Schedule II wherever the deceased is a person belonging to a lower social and economic strata and applying the formula which is more beneficial.

Since the deceased was said to be a brick kiln worker, I take monthly income contribution towards family at Rs.2000/- and apply a multiplier of 17 to assess the loss of dependence as Rs.4,08,000/-.

I add towards conventional heads of claim another Rs.4500/- and find the total compensation payable at Rs.4,13,500/-.

The amount in excess of what has been awarded by the Tribunal already shall attract interest at the rate of 7.5% from the date of petition till the date of payment.

Award stands modified and the appeal is allowed to the above extent.

13.03.2013 [K.

KANNAN].Diwaker Gulati JUDGE