
(2014) 05 P&H CK 0032
In the Punjab And Haryana At Chandigarh
Case No : FAO No. 2776 of 2013 (O&M)

Rajwant Kaur and Others

APPELLANT

Vs

Subhash Chand and Others

RESPONDENT

Date of Decision : 19-05-2014

Acts Referred:

Citation : (2014) 176 PLR 399

Hon'ble Judges : K. Kannan, J

Bench : Single Bench

Advocate : Rishav Jain, Advocates for the Appellant; Neeraj Khanna, Advocates for the Respondent

Judgement

K. Kannan, J.

CM No. 12545 CII of 2013

For the reasons stated in the application, delay in filing the appeal is condoned.

FAO No. 2776 of 2013

1. The appeal is for enhancement of compensation for the death of a male aged 22 years. The claimants were parents. The deceased was said to be working as a salesman in a firm and his salary was stated to be Rs. 8,000/-. The Tribunal accepted the evidence, provided for 50% deduction and applied a multiplier of 11. The argument is that the multiplier to be applied shall be made to depend on the age of the deceased and not on the age of the parents. The law on this point is in a state of flux and there are many judgments, referring to age of the deceased as relevant, as there are judgments which state that age of the claimants who are elder to the deceased shall be relevant. However, in *Amrit Bhanu Shali and Others Vs. National Insurance Co. Ltd. and Others*, the Supreme Court framed a point for consideration of what is appropriate multiplier in case of a claim for death of a bachelor and it ruled that it is the age of the deceased which will be relevant. In yet another judgment in *M. Mansoor and*

Another Vs. United India Insurance Co. Ltd. Another, the court reasoned that where the claimants have different ages, it will be difficult to look to the age of the claimants as relevant for the choice of multiplier. It found as a matter of exigency that the age of the deceased should alone be taken as relevant. If the multiplier is to be understood as containing an inherent principle of securing the number of years' purchase, then a quantum that must be understood as making the possible a sound investment in a stable economy to return an amount which will be equivalent to the contribution to the family in cases of death. In a normal situation,, the contribution could last only for such a number of years as the claimants themselves might live. Logically, there ought to be only the age of the claimants which should be relevant. I have engaged in this discourse not to deviate from the law laid down by Amrit Bhanu Shali (supra) but to bring home the point that the court is aware of the divergent views and it applies the decision cautiously as laid down in Amrit Bhanu Shali. If contribution to the family is taken to Rs. 4,000/- and the multiplier of 18 is to be taken, it shall result in Rs. 8,64,000/- as compensation. Counsel for the appellants would not be satisfied and would ask for a re-determination to provide for a future prospects as well. It is found that the choice of multiplier to depend on the deceased age is itself suspect or at least open to doubt and, therefore, I will not bring a fresh component only to make possible a still higher claim. I, therefore, reject the plea for a future prospects of increase. I take the loss of dependence at Rs. 8,64,000/- and provide for conventional heads of what has been provided for Rs. 25,000/- towards funeral expenses and Rs. 5,000/- loss to estate and assess Rs. 8,94,000/- as compensation payable. The additional compensation shall also attract interest @ 7.5% from the date of the petition till the date of payment. The liability shall be on the insurer. The amount shall be distributed equally amongst the claimants.

2. The appeal is allowed to the above extent.