



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**RSA-3835-2016 (O&M)
Date of decision : 03.04.2025**

HARSHARAN KAUR ETC.Appellants
Versus

RESHAM SINGH ETC. ...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. A.S. Sekhon, Advocate
for the appellants.

Mr. R.S. Bains, Advocate
for respondent No.1.

PANKAJ JAIN, J. (ORAL)

Plaintiffs are in second appeal.

2. For convenience, the parties hereinafter are referred to by their original position in the suit i.e. the appellants as the plaintiffs and the respondents as the defendants.

3. Suit was filed seeking compensation under the Fatal Accidents Act, 1855 against defendants on the ground that defendant No.1 murdered Dr. Gurbir Singh Virk.

4. The Courts below returned findings in favour of the plaintiffs w.r.t. entitlement to the damages. However, dispute is w.r.t. quantum.

5. Lower Appellate Court while quantifying the compensation payable observed as under:



“17. I have perused the record very carefully and find that though the deduction made towards personal and living expenses, is calculated on the basis of general assumption and as a matter of common experience, after considering the contention of the parties. As it is evident from evidence that widow of deceased had already left for Canada and the deceased was living with his parents. There is absolutely no evidence on the file that appellant-plaintiff No.2 i.e. father of deceased, in any way, was dependent upon the deceased. So far as the appellant-plaintiff No.1, is concerned, being mother and close representative, she is entitled for the damages on account of death of deceased. Hence, the learned trial court has rightly held that only appellant-plaintiff No.1 is entitled to claim compensation from respondent-defendant No.1. So far as the multiplier applied by the learned trial court, is concerned, it is for the court to see that the suitable multiplier is to be applied. Here in the present case, the learned trial court has rightly discussed that appellant-plaintiff No.1 is aged about 61 years and expectancy aged in India is '70' years. So, in such like circumstances, multiplier of “9” is appropriate. But, however, the deduction made by learned trial court to half of the amount of Rs.5000/- i.e. Rs.2500/- per month, is without any substance and is mere imagination. So, only to this effect, the judgment of learned trial court dated 26.05.2014 is **modified** and appellant-plaintiff No.1 is held entitled for compensation to the tune of Rs.5000/- per month, which comes to $(Rs.5000/- \times 108 \text{ months}(9 \text{ years}) = Rs.5,40,000/- + Rs.10,000/-$ alongwith interest @6% P.A from the date of filing of suit till the date of actual realization of the amount. With these observations, the appeal filed by the appellants-plaintiffs, is **partly allowed**. xxxx

6. Counsel for the appellants/plaintiffs submits that findings need to be modified w.r.t. multiplier as the multiplier was to be applied keeping in view the age of deceased and not that of the claimant.



7. Counsel for the defendants is not in position to dispute the aforesaid legal proposition. However, he claims that plaintiffs are not entitled as they have not been held to be dependents upon the deceased. At the same time, he however admits that there is no challenge to the judgment and decree passed by the Courts below.

8. In view thereof, the objection raised by counsel for the respondents, sans merit and is rejected.

9. Deceased was 31 years of age at the time he was brutally murdered. In view thereof, multiplier of 9 applied by the Lower Appellate Court is modified to 16.

10. Judgement and decree passed by the Lower Appellate Court is accordingly modified. The instant appeal is allowed.

April 03, 2025

Dpr

(Pankaj Jain)

Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No