
(1991) 11 P&H CK 0023

In the Punjab And Haryana At Chandigarh

Case No : First Appeal from Order No. 883 of 1985

Behari Lal Sharma and Others

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 22-11-1991

Acts Referred:

Motor Vehicles Act, 1939 — Section 110A

Citation : (1992) ACJ 831 : (1992) 102 PLR 8

Hon'ble Judges : Amarjeet Chaudhary, J

Bench : Single Bench

Advocate : R.P. Bali, for the Appellant; H.S. Riar, Addl. A.G. for Respondent Nos. 1 to 3 and R.M. Suri, for the Respondent

Final Decision : Allowed

Judgement

Amarjeet Chaudhary, J.—This appeal is for enhancement of compensation.

2. The Motor Accident claims Tribunal, Ropar, vide its award dated 30-10-1984, had awarded a sum of Rs. 1,92,000/- on account of death of Subhash Chander Sharma, to the appellants and Anita Sharma, respondent No. 1, wife of the deceased. Out of this compensation amount, Rs. one lac has been awarded to Shmt. Anita Sharma, wife. Rs. 42,000/- in favour of Chetna Sharma, minor daughter and Rs. 25,000/- to each of the parents of the deceased.

3. The impugned award of the Tribunal has been challenged primarily on the ground that the Tribunal has not granted sufficient compensation to the appellants, whereas a big chunk of amount of Rs. one lac out of the award has been awarded to Shmt. Anita Sharma.

4. The learned counsel for the appellants contends that the Tribunal has not applied a proper multiplier. The other plea is that the wife of the deceased is not entitled to any compensation as after the death of her husband, she has re-married.

5. The learned Additional Advocate General, Punjab contends that the appellants-claimants have been awarded sufficient compensation and there is no scope for further enhancement.

6. Mr. R. M. Suri, Advocate, appearing for the wife, respondent No. 4, contends that there is nothing in the Motor Vehicles Act which can debar the wife to claim compensation in the event of her marriage.

7. I have heard the learned counsel for the parties and taken into consideration their respective stands.

8. It is admitted case of the appellant that respondent No. 4, the wife, had contracted second marriage after the award of the Tribunal.

9. On the consideration of the matter, this Court has reached the conclusion that the status of the wife was to be seen at the time of award and subsequent change in the matrimonial status is not to be taken into account. In any case, marriage in such like cases are not by choice/design, but are social compulsions. More so, the re-marriage is no substitute for the loss of an earlier husband.

10. In view of the foregoing discussion, the plea of the appellants' counsel that the wife is not entitled to compensation, deserves to be rejected.

11. In the instant case, the Tribunal had assessed the dependency of the claimants as Rs. 1,000/- and applied a multiplier of 16. The deceased was a Young man of 27 years at the time of his death and had better prospects in life. He has left behind his aged parents and a minor daughter, who has long life to live. She is to be educated and married. For her bringing up, money is required. Since her father is no more on the scene, there will be nobody to meet her expenses.

12. Taking into consideration the entire facts of the case, I am of the view that the multiplier of 16, as applied by the Tribunal, is not reasonable. As such, it would be reasonable to apply a multiplier of 18. By applying this multiplier, the amount of compensation comes to Rs. 2,16,000/- out of which a sum of Rs. 1,92,000/- has already been paid to the appellants-claimants and respondent No. 4. Now cut of the enhanced amount of compensation, appellants No. 1 and 2 shall be entitled to Rs. 7,000/- each, whereas appellant No. 3 shall be entitled to Rs. 10,000/- with 12% interest P.A. from the date of the claim petition i.e. 21-4-1984 till realisation. The share of minor, appellant No. 3, Chetna Sharma, is to be deposited in some scheduled Bank in the name of minor through her grand mother and guardian Shmt. Parkash Kaur, within one month from the receipt of the enhanced compensation.

13. The appeal is allowed to the extent indicated above. The appellants shall also be entitled to costs from respondents 1 to 3 which are quantified at Rs. 1,000/-.