
(1993) 08 P&H CK 0133

In the Punjab And Haryana At Chandigarh

Case No : First Appeal From Order No. 1146 of 1985

Chaman Lal and Others

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 05-08-1993

Acts Referred:

Motor Vehicles Act, 1939 — Section 110A

Citation : (1994) 1 ACC 402 : (1993) 105 PLR 334

Hon'ble Judges : Amarjeet Chaudhary, J

Bench : Single Bench

Advocate : L.M. Suri and Arun Kumar, for the Appellant; G.K. Chathrath, A.G. and Anu Chathrath, for the Respondent

Final Decision : Allowed

Judgement

Amarjeet Chaudhary, J.—A claim petition u/s 110-A of the Motor Vehicles Act was filed before Motor Accident Claims Tribunal, Jalandhar, (hereinafter referred to as "the Tribunal") by Chaman Lal Bhagi and Shashi Kanta, claiming compensation to the tune of rupees five lac on account of the death of their son Ashok Kumar Bhagi, aged 25 years at the time of death, who died in a vehicular accident alleged to have taken place on 25.7.1983. The Tribunal vide its award dated 14.6.1985, had awarded a sum of Rs. 72,000/- with 12% interest from the date of award. Being dissatisfied, the claimants have preferred this appeal for enhancement of compensation.

2. The challenge to the award is that the deceased was a practising lawyer and used to earn Rs. 2500/- per month. But the Tribunal has not correctly assessed the monthly income and a suitable multiplier has not been applied.

3. I have considered the submissions of the learned counsel for the parties and have perused the paper book.

4. The Tribunal while awarding compensation had assessed the monthly income of the deceased at Rs. 1000/-. The deceased in this case was a practising lawyer.

I am of the view that monthly income of the deceased could not have been less than Rs. 1500/-. Out of this amount, 1/3rd, i.e., Rs. 500/-the deceased must be spending on himself and the remaining 2/3rd i.e., Rs. 1000/- would be giving to his parents. Therefore, the annual dependency of the claimants comes to Rs. 1200/-. By applying a multiplier of 10, which is quite reasonable in this case, the total amount of compensation to which the claimants would be entitled comes to Rs. 1,20,000/-. They will also be entitled to 12% interest from the date of the claim petition till its realization. The amount of compensation already awarded is to be adjusted.

5. The appeal is allowed as indicated above.

6. No Costs.