

(2013) 07 P&H CK 0429
In the Punjab And Haryana At Chandigarh
Case No : F.A.O. No. 835 of 2012

Dharambir Singh and Another	Vs	APPELLANT
Paramjit Singh and Others		RESPONDENT

Date of Decision : 17-07-2013

Acts Referred:

Motor Vehicles Act, 1988 — Section 166

Citation : (2013) 07 P&H CK 0429

Hon'ble Judges : Vijender Singh Malik, J

Bench : Single Bench

Advocate : Sandeep Singhal, for the Appellant; S.S. Dalal, Advocate for Respondent No. 2 and Mr. Rajnish Malhotra, Advocate, for the Respondent

Final Decision : Allowed

Judgement

Vijender Singh Malik, J.—Rohit, a student of B.Tech. IIIrd Year, aged 20 years died in a road side accident that took place on 17.03.2011. The appellants-claimants are his parents, who had brought a claim petition u/s 166 of the Motor Vehicles Act, 1988 seeking compensation in a sum of Rs. 15,00,000/-. Learned Motor Accidents Claims Tribunal, Rohtak (for short "the Tribunal") allowed the claim petition vide award dated 08.11.2011 and awarded a sum of Rs. 3,50,300/- as compensation on the death of Rohit in the aforesaid accident. Since the point involved in the appeal is regarding the quantum of compensation, it is not necessary to notice the facts in detail. It would be sufficient to say that Rohit, who met with a road side accident that took place on 17.03.2011, was a student of IIIrd year of B.Tech. He was aged 20 years and was unmarried at the time of his death.

2. Learned Tribunal discarded the statement of claimant, who claimed that his son was earning Rs. 16,000/- per month by giving tuitions. According to him, taking guidance from a decided case reported as Ravinder Kaur and Another Vs. Roop Lal and Others, where compensation was awarded in a sum of Rs. 2,00,000/- on the death of a four years old boy, learned Tribunal has assessed

Rs. 3,50,300/- as compensation for the death of Rohit, a student of B.Tech. IIIrd year. He has further submitted that the decision in Ravinder Kaur's case supra is regarding four year old boy, who was not even a student. According to him, Rohit died at the age of 20 years and was a student of B.Tech. IIIrd year and the amount awarded by the Tribunal is grossly at a lower side.

3. Learned counsel for the respondents have submitted, on the other hand, that for a bachelor, who died at the age of 20 years, the compensation awarded by the Tribunal is good enough. According to them, there is no reason on the record for this court to interfere with this amount.

4. In comparison to the deceased in Ravinder Kaur's case supra, Rohit is aged 20 years, studying in IIIrd year of B.Tech. He was about to complete his B.Tech. course. He was also coming of earning age which was not so in case of Ravinder Kaur's case supra. In somewhat similar circumstances in B. Ramulamma and Others Vs. Venkatesh, Bus Union and Another, the Hon''ble Andhra Pradesh High Court (Hyderabad Bench) considered the case of a B.E. Computers final year student and took his income at Rs. 12000/- per month. In the case in hand, the deceased is IIIrd year student of the age of 20 years. He holds a good future and is a promising child of his parents. His income cannot be taken below Rs. 10,000/- per month.

5. Taking the income of the deceased at Rs. 10,000/-, the monthly dependency of the parents at ? of the same comes to Rs. 5000/-. Multiplying it with 12, the annual dependency of the claimants comes to Rs. 60,000/-. The claimants are the parents. Though their age has not come in the award, yet they can be taken in the age group of 46-50 and multiplier in this case as per the decision of Hon''ble Supreme Court of Smt. Sarla Verma and Others Vs. Delhi Transport Corporation and Another, should be 13. Multiplying it with 13, I find the claimants to have lost Rs. 7,80,000/- in the death of Rohit. Adding to it, a sum of Rs. 25,300/- as found due by the Tribunal in the name of treatment charges of the deceased, I assess a sum of Rs. 8,05,300/- as compensation in favour of the appellants. In this view of the matter, the appeal succeeds and is allowed enhancing the compensation from Rs. 3,50,300/- to Rs. 8,05,300/- which shall be payable to the claimants with interest @ 6% per annum and in the ratio as mentioned by the Tribunal.