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**(2001) 01 P&H CK 0067**  
**In the Punjab And Haryana At Chandigarh**  
**Case No : F.A.O. No. 416 of 1995**

Harjinder Kaur

APPELLANT

Vs

State of Haryana

RESPONDENT

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**Date of Decision :** 11-01-2001

**Acts Referred:**

Motor Vehicles Act, 1988 — Section 166

**Citation :** (2001) 2 RCR(Civil) 38

**Hon'ble Judges :** R.L. Anand, J

**Bench :** Single Bench

**Advocate :** Mr. R.K. Jain, for the Appellant; Mr. Sultan Singh, DAG, for the Respondent

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## Judgement

R.L. Anand, J.—In this case, one Chanan Singh, aged about 28 years, died. His widow, parents and a minor daughter filed a claim petition before the Tribunal, who ordered for the payment of Rs. 1,50,000/- besides interest @ 15% p.a. from the date of filing of the claim petition till payment. Not satisfied with the award of the Tribunal, the appellants filed the present appeal.

2. The matter was referred to the Lok Adalat, which proposed a compensation to the tune of Rs. 3,28,240/-. Not satisfied with the proposal of the Lok Adalat, the State of Haryana has filed the present objections.

3. I have heard the learned counsel for the parties and with their assistance have gone through the objections raised by the learned counsel for the respondents.

4. Though, there is evidence of Smt. Harjinder Kaur that the earning capacity of the deceased was Rs. 26,000/- from the agricultural and poultry business, but there was no cogent evidence in this case to this effect. There was only evidence of the witness that the deceased was owning 8 acres of agricultural land. The Lok Adalat has rightly calculated the minimum earning capacity of the deceased at Rs. 2000/- p.m. and after deducting the personal expenses of the deceased, the annual dependency of the claimants can be safely calculated at Rs. 18,000/- and

by applying a multiplier of 16, the claimants are entitled to a sum of Rs. 2,88,000/- besides Rs. 10,000/- towards funeral expenses and costs of the charges. In all, the claimants are entitled to a sum of Rs. 2,98,000/- as compensation besides interest @ 12% p.a, from the date of filing of the claim petition till payment.

5. In this view of the matter, the appeal is partly allowed and by deciding the objections of the respondents, it is hereby ordered that the respondents shall pay a sum of Rs. 2,98,000/- besides interest @ 12% p.a. from the date of filing of the claim petition i.e. 22.12.1992 till payment, The amount paid under the orders of the Tribunal would be adjusted. Since the appellants were taken care of under the orders of the Tribunal, the enhanced compensation shall be shared by the widow and the minor daughter. The share of the minor shall be deposited in a Nationalised Bank in the Fixed Deposit to be paid to her on her attaining majority. Two months' time is granted to the respondents to make the payment. There shall be no order as to costs.

6. Appeal partly allowed.