
(2001) 05 P&H CK 0077
In the Punjab And Haryana At Chandigarh
Case No : F.A.O. No. 1336 of 1993

Kamlesh	Vs	APPELLANT
Jaswinder Singh		RESPONDENT

Date of Decision : 30-05-2001

Acts Referred:

Motor Vehicles Act, 1988 — Section 166, 173

Citation : (2001) 3 RCR(Civil) 454

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

Bench : Single Bench

Advocate : Mr. Y.P. Malik, for the Appellant; Mr. B.S. Bindra and Mr. Mukesh Mittal, for the Respondent

Judgement

R.L. Anand, J.—This is claimants appeal and has been directed against the award dated 28th November, 1991 passed by the Motor Accident Claims Tribunal, Karnal, who awarded a sum of Rs. 1 -lac in all, by way of compensation to the claimants along with interest at the rate of 12 per cent per annum from the date of the filing of the claim petition i.e. 7m March, 1991 till payment and the three respondents were directed to make the payment jointly and severally. Not satisfied with the award, the present appeal has been filed.

2. The matter was referred to the Lok Adalat which made a recommendation for the payment of compensation to the tune of Rs. 2,04,000/- besides interest. Still not satisfied with the proposal of the Lok Adalat, hence the matter was again referred to this Court.

3. I have heard Shri Y.P. Malik on behalf of the appellants and Shri Mukesh Mittal on behalf of respondent No. 3.

4. The case set up by the claimants before the Tribunal was that the deceased Karam Vir was working as driver and he was earning Rs. 1700/- per month. There is no satisfactory evidence in this regard. No receipt of salary has been produced by his employer. The accident had taken place in the year 1991. In the

absence of any satisfactory evidence, it cannot be said that the deceased though was a driver, but he was working on contract basis. He could not get the work for all days of the month in the year 1991. A driver who worked intermittently could earn at least Rs. 1000/- per month specially he was to maintain his three children, widow and the parents. After deducting the personal expenses of the deceased, I calculate annual dependency of the claimants at Rs. 8,400/- and applying the multiplier of 16, the compensation comes to Rs. 1,34,400/- and by adding Rs. 10,000/- by way of funeral and consortium expenses, the total comes to Rs. 1,44,400/-. The claimants shall be entitled to this amount, besides interest at the rate of 12 per cent per annum which shall be calculated from the date of the filing of the clam petition i.e. 7th March, 1991, till payment. The payment, if already made by the respondents, shall stand adjusted. The compensation shall be paid in the ratio and in the manner case ordered by the Tribunal.

5. The appeal stands allowed partly. There shall be no order as to costs.

6. Appeal partly allowed.