
(2000) 11 P&H CK 0135

In the Punjab And Haryana At Chandigarh

Case No : First Appeal from Order No. 2395 of 1995

Kulwinder Kaur

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision : 27-11-2000

Acts Referred:

Motor Vehicles Act, 1988 — Section 166

Citation : (2001) 2 RCR(Civil) 819

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

Bench : Single Bench

Advocate : Ms. Gurveen M. Singh, A.G, for the Appellant;

Judgement

R.L. Anand, J.—This appeal has been filed against the award dated 5.1.1995, passed by the Motor Accident Claims Tribunal, Roopnagar, which awarded a sum of Rs. 1,31,600/- besides Rs. 700/- as costs, in all Rs. 1,32,300/-. The matter was sent to the Lok Adalat, which recommended the award of Rs. 1,92,940/-. The State is not satisfied with the proposal of the Lok Adalat and has prayed that the matter may be disposed of on the judicial side.

2. In this case, Zora Singh died. He was a daily wager. The evidence has come that he was earning Rs. 40.52 per day. Since, he was a daily wager, it is just possible that on alt 30 days in a month, he may not get the work, so his average earning capacity is taken for 25 days. In this manner, his total income is taken as Rs. 1,000/- per month, and the dependency of the claimants is calculated at Rs. 8,400/- per annum. In this case the multiplier of 18 may be applied because the deceased was a young man of 25 years.

3. In this manner, by modifying the award of the Tribunal, the appeal is partly allowed and a sum of Rs. 1,51,200/- is awarded to the claimants and against the respondents jointly and severally, besides interest @12% which shall be calculated from the date of filing of the claim petition. The amount shall be paid by the respondent-authority within one month. The amount, if any, already paid

by the respondents shall be dedueled.

4. Let intimation about the passing of this order be sent to the counsel Mr. M.P.S. Mann.

5. Appeal partly allowed.