

(1980) 08 GUJ CK 0037
In the Gujarat High Court
Case No : F.A. No. 389 of 1978

M.V. Santhakumari and Others

APPELLANT

Vs

Dharujee Chogajee and Others

RESPONDENT

Date of Decision : 12-08-1980

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Section 2(11)
Fatal Accidents Act, 1959 — Section 2
Hindu Adoptions and Maintenance Act, 1956 — Section 20(2), 21
Motor Vehicles Act, 1939 — Section 110(1), 110A, 110B, 110C, 110D

Citation : (1980) 08 GUJ CK 0037

Hon'ble Judges : V.V. Bedarkar, J;D.H. Shukla, J

Bench : Division Bench

Advocate : B.M. Shah, for the Appellant; B.R. Shah and Mr. R.N. Shah, for the Respondent

Final Decision : Allowed

Judgement

V.V. Bedarkar, J.—... ..

2. The application was filed by the present Appellants for compensation of Rs. 1,25,000/- in respect of the death of one Mr. M.R. Kunchu, who was the husband of Appellant No. 1 (Applicant No. 1) and father of Appellant Nos. 2 and 3 (Applicant Nos. 2 and 3). In the application Respondent No. 4 (opponent No. 4) was impleaded as a party on the ground that she was dependent on the deceased and was permanently staying with him and his family though she did not have the status of wife in the eye of law, while Respondent Nos. 5 and 6 (opponent Nos. 5 and 6) were the sons of opponent No. 4 and were said to be dependent" on the deceased and Respondent No. 7 (opponent No. 7) was the mother of the deceased, while the driver, owner and insurer of motor truck bearing No. GTB 5036, involved in the accident, were joined as opponent Nos. 1, 2 and 3 (present Respondent Nos. 1, 2 and 3) respectively.

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5. After hearing the parties, the learned Tribunal came to the conclusion that the Applicants and opponents Nos. 4, 5, 6 and 7 are entitled to compensation of Rs. 84,000/- i.e., Rs. 81,000/- for the loss of dependency benefits and Rs. 3,000/- as conventional amount for the loss to the estate. The learned Tribunal held opponent Nos. 1, 2 and 3 jointly and severally liable for the amount awarded. Out of this amount awarded, the Tribunal ordered that the amount shall be apportioned between the Applicants and opponents Nos. 4 to 7 in the proportion of 2 : 9 for each of Applicant No. 1 and opponent No. 4 and 1 : 9 for each of the Applicant Nos. 2 and 3 and opponent Nos. 5, 6 and 7. Thus, the Tribunal divided the amount in 9 units giving 2 units each to Applicant No. 1 and opponent No. 4 and 1 unit each to the children and mother of the deceased.

6. Being aggrieved by the said order, the original Applicants have come in appeal. Their contention is that original opponent Nos. 4, 5 and 6 not being the legal representatives nor the heirs of the deceased are not entitled to any compensation and therefore, the entire compensation awarded should have been distributed between Applicants and opponent No. 7. It is the contention that opponent No. 4 was merely residing with opponent No. 7 the mother of the deceased, to look after her and opponent Nos. 5 and 6 being the children of opponent No. 4, they have no connection with the deceased and therefore, the amount awarded to them was not justified.

7. After this appeal was filed, Respondent No. 1 (original opponent No 1) filed cross-objections. Mr. B.R. Shah, learned advocate for opponent Nos. 1 and 3 merely argued about the point of negligence and did not dispute the right of the Applicants or other dependents of the deceased to claim compensation, because that dispute is between the Applicants and opponent Nos. 4 to 7 inter se.

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His Lordship discussed the evidence and dismissed the cross-objection : His Lordship further observed:

10. Then comes the question about the dispute inter se between the Applicants and opponent Nos. 4, 5 and 6. One thing cannot be ignored and it is that aspect on which Mr. R.N. Shah, learned advocate for opponent Nos. 4 to 7 has laid great stress and it is that the Applicants themselves have impleaded opponent Nos. 4, 5 and 6 in the petition. Opponent No. 4, being a destitute woman on the mercy of the deceased and opponent Nos. 4 and 5 being her sons and opponent No. 7 being the mother of the deceased at Kerala, did not appear before the Tribunal at Baroda to give evidence. Whatever evidence was available to the Tribunal was from the deposition given by Applicant No. 1 and her cross-examination so far as the point of present dispute is concerned. In application, Exh. 1, in para 1, it is categorically mentioned that opponent Nos. 4 to 7 are also dependent on the

deceased and therefore, they are put as formal opponents. Even in para 2, it is specifically mentioned that opponent No. 4 is dependent on the deceased though she is not having the status of the wife in the eye of law. But it is admitted that she was permanently staying with the deceased and his family and was solely dependent on the deceased and opponent Nos. 5 and 6 are the sons of opponent No. 4. Under these circumstances, Applicant No. 1 herself dragged opponent Nos. 4, 5 and 6 to the court where they personally did not appear, but engaged an advocate to look after their case. It was, therefore, the submission of Mr. R.N. Shah that Applicant No. 1 who impleaded opponent Nos. 4, 5 and 6 as the persons who were dependent on the deceased, now cannot come in appeal and say that the amount of compensation awarded to them is not justified in law.

11. As against this, it is the submission of Mr. B.M. Shah, learned advocate for the Appellants, that the Court must award damages to the persons who are entitled to the damages in law and not merely from any compassionate move or from the point of view of concession made in the lower Court, as the concession on a point of law cannot be made if the law otherwise does not permit. This argument was advanced by Mr. B.M. Shah mainly because he had in his way difficulty in the form of concession made by Mr. R.K. Parikh, learned advocate for the Applicants before the Tribunal, in para 12 of the judgment, the learned Tribunal has observed:

...The learned advocate for the Applicants Mr. B.K. Parikh has, however, very fairly and very rightly said in the course of his arguments that opponent Nos. 4 to 7 were also dependents of the deceased, opponent No. 4 being at least the mistress of the deceased, opponent Nos. 5 and 6 being her sons, through the deceased and opponent No. 7 being the mother of the deceased.

It is the submission of Mr. B.M. Shah that this concession would at the most show that opponent Nos. 4, 5 and 6 were dependent on the deceased, but the question to be considered by the court of law would be whether that dependency was as of right or merely out of voluntary action of the deceased. In terms, Mr. B.M. Shah wanted to submit that if opponent No. 4 and her children had no right to claim maintenance or dependency allowance from the deceased during his life time, then after his death would that ripen into a legal right to claim damages for the death of the deceased in an accident.

12. It was initially the endeavour of Mr. B.M. Shah that opponent Nos. 5 and 6 being the sons of opponent No. 4, cannot have any claim on the deceased even as his sons or illegitimate children. We must outright reject this submission of Mr. B.M. Shah mainly because during the evidence it has been made very clear that opponent Nos. 5 and 6 were the sons of the deceased born to opponent No. 4. Applicant No. 1, M.V. Santhakumari, in her deposition at Exh. 23, was clearly put a question about the position of opponent Nos. 5 and 6 and she stated that she did not know if opponent Nos. 5 and 6 were the sons of her husband. She is the wife of the deceased. She has filed the claim application wherein she has impleaded opponent Nos. 4, 5 and 6 as the persons who are the necessary

parties for claiming damages for the death of her deceased husband. She would be the best person to tell why and under what capacity she had impleaded them as opponents in the application if they had no relation at all with the deceased. If opponent Nos. 5 and 6 were not the sons of the deceased, she could have definitely said so. But in order to avoid acceptance of truth, she has merely given an evasive reply by saying that she did not know if opponent Nos. 5 and 6 were the sons of her husband, meaning thereby, she is not ready to say that they are not the sons of her deceased husband. Under these circumstances, it is to be assumed safely that opponent Nos. 5 and 6 are the sons of opponent No. 4 born to her through the deceased. Not only that, but during this cross-examination, in para 4, she has specifically admitted that her husband used to send money directly to his mother and that amount was meant to include the maintenance of opponent Nos. 4, 5 and 6. So, this evidence clearly shows that opponent Nos. 4, 5 and 6 were maintained from the amount sent by the deceased to his mother, meaning thereby, they were dependent on the deceased.

13. The question is whether under the Motor Vehicles Act, 1939 (hereinafter referred to as "the Act") all those persons who were dependents are entitled to claim compensation or damages ? We asked Mr. R.N. Shah counsel for Respondent Nos. 4 to 7, to show to us that under the Act the field of the Tribunal can be extended to giving compensation to any dependent who, somehow or the other, was getting some benefit from the deceased? In order to consider this position, we must look to the scheme of the Act. Section 110-A of the Act, relevant for our purposes, reads:

110-A (1) An application for compensation arising out of an accident of the nature specified in Sub-section (1) of Section 110 may be made--

(b) Where death has resulted from the accident, by all or any of the legal representatives of the deceased.

It is, therefore, very clear that Section 110-A of the Act permits the filing of an application for compensation by all or any of the legal representatives of the deceased. It does not require to be stressed that if an application is filed by one of the legal representatives, then it will be available for the benefit of all those who can be called the legal representatives of the deceased and therefore, each one of them shall be entitled to get compensation even if application is made by one or some of them.

14. The question to be considered is as to who can be termed as legal representative. The term "legal representative" is defined in Section 2(11) of the Code of Civil Procedure, 1908 (hereinafter referred to as "the Code") as under:

2. In this Act, unless there is anything repugnant in the subject or context, (11) "Legal representative" means a person who in law represents the estate of a deceased person and includes any person who intermeddles with the estate of the deceased and where a party sues or is sued in a representative character the person on whom the estate devolves on the death of the party so suing or sued.

The Legal Representatives' Suits Act, 1855 (Act No. XII of 1855) merely permits the executors, administrators or representatives of any person deceased to maintain the action for any wrong committed in the lifetime of the deceased which has occasioned pecuniary loss to his estate for which wrong an action might have been maintained by such person. This Act does not define "legal representative" as such. Therefore, the question for consideration is whether the term "legal representative" u/s 110-A(b) of the Act would cover all the dependents? It should be noted that originally before the passing of the Indian Fatal Accidents Act, 1855, no action could be brought in tort for damages for the death of a person on the principle of *actio personalis moritur cum persona*. But the Fatal Accidents Act permitted the action to be brought for the death of a person having been caused by wrongful act, neglect or default. But under the Fatal Accidents Act, this action or suit was to be brought for the benefit of the wife, husband, parent and child, if any, of the person whose death shall have been so caused and shall be brought by and in the name of the executor, administrator or representative of the person deceased. So the Fatal Accidents Act, which is still in force in India, merely permits an action to be brought for the benefit of the wife, husband, parent and child. In fact, this Fatal Accidents Act is fashioned on the lines of the English Act of 1846, which is popularly known as "Lord Campbell's Act". But that Act in England has, undergone a change and by Section 2 of the Fatal Accidents Act, 1959, brother, sister, uncle and aunt of the deceased and the issue of such relatives have been inducted into the area of statutory dependency. Even though the Indian Fatal Accidents Act was fashioned on the lines of the English Fatal Accidents Act, our lawmakers are still quiet about bringing on necessary changes in our Act on the lines of the British Act. That was what was very vociferously lamented in *P.B. Kader and Others Vs. Thatchamma and Others*, , by Krishna Iyer, J. (as he then was).

15. In view of this difficulty in the Indian Fatal Accidents Act, Courts have considered the provisions of Section 110-A(b) of the Act pertaining to "legal representative" going beyond the scope of Fatal Accidents Act and permitting any legal representative to claim compensation if he or she is so authorised. This was done with a specific observation that the provision of Section 110-A to 110-F is self-contained code and substantive piece of legislation and therefore, that being a, special legislation pertaining to motor accidents, it has a wider range as compared" to *Megjibhai Khimji Vira and Another Vs. Chaturbhai Taljabhai and Others*, .

16. Now, the question that arises for consideration is whether any dependent can be brought within the compass of "legal representative" as envisaged u/s 110-A(b) of the Act. In order to claim compensation or to come within the term "legal representative", one should either be an heir under the law applicable to the parties, which are Hindus in the instant case, or one should be an executor or administrator of the estate of the deceased. However, even if the question of dependency is concerned, it should have a basis of a rightful claim. Even if we may not go to the extent of considering only a person entitled to get damages to

be an heir according to law applicable to the parties or a person entitled to a share in the estate of the deceased, we may consider whether the person had a right to claim dependency, i.e., right to claim even maintenance. Before considering the question of opponent No. 4, who, by the learned Tribunal, is considered to be the mistress, we will consider first the question of children, i.e., opponent Nos. 5 and 6, who are born to her through the deceased. It is, therefore, very clear that if it is considered that opponent No. 4 was not a married wife of the deceased, then opponent Nos. 5 and 6 would be his illegitimate children. We are considering this aspect mainly because even though the term "legal representative" is defined in the Code in Section 2(11), that term is not defined in the Act. It does not require to be stressed that strict interpretation of the words "legal representative as given in the Code would not be helpful in all cases under an Act like the Motor Vehicles Act where there is provision for compensation for the tortious act. It is a piece of benevolent legislation and as held by this Court in *Megjibhai Khimji Vira and Another Vs. Chaturbhai Taljabhai and Others*, while interpreting a welfare legislation if any provision of the Act is capable of two constructions, that construction should be preferred which furthers the policy of the Act and is more beneficial to the class in whose interest the law has been made. It cannot be gainsaid that these provisions of the Act, i.e., Section 110-A to 110-F, are the provisions for the benefit of those who are injured in a motor accident or the survivors of the deceased who can claim damages. So, while considering the person or persons to whom compensation shall be paid, as envisaged u/s 110-A(b) of the Act, the Court or Tribunal, will consider a class of person who had some dependency on the deceased for whose benefit compensation is claimed. But the question of dependency cannot be construed devoid of legal implications. As considered by us earlier, the claim of dependency must have its origin in a "right" legally recognised. That right, as we again put it, should be a right of inheritance or a share in the property or at least a right to claim maintenance.

17. So far as the illegitimate children are concerned, they are not the heirs as such under the Hindu Succession Act, 1956, but they have a right to be maintained during their minority. u/s 21 of the Hindu Adoptions and Maintenance Act, 1956, the word "dependents" is defined as meaning "the relatives of the deceased" and Clauses (viii) and (ix) thereof read:

(viii) his or her minor illegitimate son, so long as he remains a minor;

(ix) his or her illegitimate daughter, so long as she remains unmarried.

Section 20(2) of the Hindu Adoptions and Maintenance Act provides:

20(2). A legitimate or illegitimate child may claim maintenance from his or her father or mother so long as the child is a minor.

Therefore, right of maintenance which an illegitimate child can claim is recognised by law, i.e., Hindu Adoptions and Maintenance Act and therefore, so far as opponent Nos. 5 and 6 are concerned, they have a claim of dependency,

which has its origin in a legal right and therefore, the award made by the learned Tribunal in their favour cannot be challenged and Mr. B.M. Shah for the Appellants, fairly conceded to this position.

18. Then comes the question of opponent No. 4. We are not prepared to term her as "a mistress", as has been done by the learned Tribunal. We shall be giving our reasons for this distinction presently. But the fact remains that she was a woman who bore two children to the deceased. Not only that, but though the deceased was staying at Baroda, she was staying at Kerala and looking after the mother of the deceased. It is very clear from the evidence of Applicant No. 1 herself that opponent Nos. 4 to 7 were staying together at Kerala and the deceased was sending money to opponent No. 7 for the maintenance of all of them. At one stage, Applicant No. 1 wanted to wriggle out from that position, because initially in examination-in-chief she had stated that opponent No. 4 was engaged to look after her mother-in-law and opponent Nos. 5 and 6 are her sons. But during the cross-examination, in para 4, which we have considered earlier, she had to admit that she did not know whether opponent Nos. 5 and 6 are the sons of her deceased husband. She had also to admit that amount was sent by the deceased to his mother also for the maintenance of opponent Nos. 4, 5 and 6. In the application for pauperism, Applicant No. 1 has specifically stated that her husband was not sending any amount to her, but was sending the amount to his mother only. Here, therefore, is a position where a married wife was completely detached from the husband and was staying separately from her husband with her two children and was earning separately, while the un-married wife, (to put it correctly) was staying with the mother of the deceased and was looking after her, sharing the responsibilities of the deceased to look after his mother. So, on all compassionate grounds it can well be said that opponent No. 4 was a person who was completely attached to the family of the deceased, while Applicant No. 1 was not. But this compassionate consideration would not be helpful in considering the question whether opponent No. 4 has a rightful claim for damages due to the death of the deceased, her paramour or a person whom she did not marry. It is definite that she is not one of the heirs under the Hindu Law. As the married wife and also the mother and the legitimate minor children are in existence, she could not have any claim to represent the estate of the deceased so as to be considered as the legal representative. Therefore, her case shall have to be considered whether she has any rightful claim for maintenance from the deceased. If that claim would have been there, we would have considered the argument of Mr. R.N. Shah about the dependency. Even though it can be said that she was dependent on the deceased, that dependency was not emanating from any legal right on her part to claim maintenance.

19. We have already considered that the terminology adopted by the learned Tribunal that opponent No. 4 was a mistress, is not justified. She was staying with the family of the deceased and especially she was looking after the mother of the deceased. So, we would put her on a better footing by terming her as "concubine". In *Corpus Juris Secundum*, Volume IS, at page 804, "concubine" is

described as follows:

Concubine. A woman who cohabits with a man without being his wife. In ancient Roman society the term would describe a sort of inferior wife, upon whom the husband did not confer his rank or quality.

While it is true that there can be no concubine without a paramour, nevertheless the term must not be confounded with the courtesan, or even with what is ordinarily called the mistress, the concubine being rather the wife without the title.

This would show that a concubine is certainly on a higher footing than an ordinary mistress. But nonetheless .she is a concubine, the title or rank or quality of a wife is not conferred on her mainly because the relationship does not come out of legal wed-lock.

20. Under the Hindu Law, prior to codification of the law so far as the adoptions and maintenance is concerned by the Hindu Adoptions and Maintenance Act, 1956, concubine albeit Avaruddhastri had some right. In Mulla Principles of Hindu Law, 14th Edition, at page 596 in paragraph 553, position of concubine-Avaruddhastri is given. According to it, a Hindu cannot transfer joint family property to an Avaruddhastri for her maintenance. But it is also mentioned therein that he is not bound to maintain her and he can discard her at any moment and she cannot compel him to keep her or to provide for her maintenance. But there is a rider, that if she was in his exclusive keeping until his death (as is the case before us), his estate, in the hands of those who take it, is liable after his death for her maintenance. But now, the law on this question is changed and a concubine or Avaruddhastri cannot claim maintenance out of the estate of the deceased paramour where his death took place after the coming into operation of the Hindu Adoptions and Maintenance Act, 1956. We could not get objects and reasons for this change in law, but it seems that the Legislature made this departure just with a view to protect or put on a stronger footing a legal material relationship as compared to extra marital relationship. The policy of the present day Hindu society is to uphold monogamy as against polygamy or bigamy or extra marital relationship. Therefore, this change seems to have been made in consonance with the general trend of the society and if that is so, howsoever sympathetic view we may take for opponent No. 4, if she cannot be placed on any legal pedestal either to claim inheritance, share in the property or even to claim maintenance, then it will be very difficult to hold her entitled to claim any compensation under the Act also.

21. The action in tort has come to our country from common law of England. It will be quite relevant for us to consider the position under the English law. Salmond on the Law of Torts, 17th Edition, while considering the general conditions of liability, has at page 13 observed:

...An action of tort, therefore, is usually a claim for pecuniary compensation in respect of damage suffered as the result of the invasion of a legally protected

interest (emphasis supplied). An interest is a claim or demand or want or desire put forward by man in a civilised society. The task of the courts is first, to decide which interests should receive legal protection. It is obvious that not all objects of human desire can or should receive legal protection.

Therefore, as considered above, concubine or Avaruddhastri is not entitled to a share of partition, inheritance or maintenance implied that the relation which she claimed is not a legally protected interest and therefore, she cannot claim damages as of right. It clearly illustrates the maxim *Damnum Sine Injuria*, because in our view, which cannot be controverted by anybody, opponent No. 4 has suffered damage, but she cannot be said to have suffered injury, which means to a legally protected interest and therefore, this damage suffered by her remains without legal remedy.

22. While considering "dependant" under the Fatal Accidents Act, in *Winfield and Jolowicz on Tort*, 11th Edition, at pp. 535-536, it has been observed:

...The stepchild of any person is to be treated as his child and an illegitimate person as the child of his mother and reputed father.

This would confirm our finding so far as opponent Nos. 5 and 6 are concerned. But is further observed:

Neither a "common law" nor "divorced" spouse qualify as dependents under the Act.

At page 536, in the foot-notes some reference is made to the Pearson Commission. It had recommended that English law be brought into line with that of Scotland. But even then, the Commission refused to recommend the inclusion of the "common law spouse" (concubine) at least until there had been an examination of all the legal aspects of this relationship. This was considered because in Scots Law, by virtue of the Damages (Scotland) Act, 1976 the list of persons who may claim damages on a death is a good deal wider and includes (a) divorced spouses, (b) ascendants and descendants beyond grandparents and grandchildren, (c) persons accepted as children of his family by the deceased. Even in spite of that, Pearson Commission refused to recommend the inclusion of "common law spouse". It was faintly suggested by Mr. R.N. Shah that the "common law spouse" was not recommended because the law was to be examined, but if under the Motor Vehicles Act there are no such restrictions, then why should the Court not award compensation to a concubine when the scope is being gradually expanded? This is a very attractive argument advanced by Mr. R.N. Shah but as considered earlier, the claim which is to be accepted must have some legal foundation, or in other words, it must be a claim which must be legally enforceable. An interest which is not legally enforceable does not bear the status of the right or a legal right and the infringement of such an interest does not equip such a person with any legal remedy and that would be the position of a concubine or an unmarried wife. So far as the position of a divorced spouse is concerned, there is a case in *Payne-Collins v. Taylor Woodrow Ltd.* 1975 A.C.J.

431 (Q.B.D., England). In that case, while considering the dependants under the Fatal Accidents Acts, 1846-1959, it was considered that a divorced wife cannot be considered to be a dependent u/s 2 and therefore, she is not a person for whose benefit an action for damages can be brought. This was, of course, on the consideration of the Fatal Accidents Acts, 1846-1959. But the principle is well recognised and therefore, we think that the learned Tribunal was not justified in awarding compensation to opponent No. 4. Of course, the learned Tribunal awarded some share to opponent No. 4 because a concession was made on behalf of the Applicants without putting forth any argument as is done in the appeal before us.

23. Then comes the question as to what should be the amount of compensation to be apportioned between Applicant Nos. 1, 2 and 3 and opponent Nos. 5, 6 and 7. The learned Tribunal has divided the number of the claimants into 9 and awarded two parts each to Applicant No. 1 and opponent No. 4 and one part each to Applicant Nos. 2 and 3 and opponent Nos. 5, 6 and 7. In fact, as per Section 110-B of the Act, the Tribunal has to determine the amount of compensation which appears to it to be just and specify the person or persons to whom compensation shall be paid, etc. When the amount of compensation is to be fixed, it should be just and we feel that when, the amount is to be specified to be paid to a person by apportioning the amount, that apportionment should also be just. Though the unit method may be a good guideline, it may not be of universal application in all the cases because the position of each claimant shall have to be considered in the context of the need, requirement and necessity of the present as well as the actual amount of dependency which a person was getting from the deceased and which is the actual loss suffered by a person. From the evidence on record, it is very clear that so far as the Applicants were concerned, they were completely separated from the deceased. It is only because they are heirs of the deceased, they have a rightful claim to compensation. That would not make them entitled to a lion's share if the loss to opponent Nos. 5, 6 and 7 was actually a greater one. It has also come in evidence that the deceased was sending money to opponent No. 7 for the maintenance of herself and opponent Nos. 4, 5 and 6. Now, as held by us, opponent No. 4 is not getting anything, so the liability of opponent No. 7 to support opponent No. 4 exists. Not only that it is for the interest of opponent No. 4, but it is also for the interest of opponent No. 7 that opponent Nos. 4, 5 and 6 should stay with opponent No. 7. So, the requirement of opponent No. 7 is bigger inasmuch as the resultant loss to her due to the death of the deceased has completely made her devoid of any help which she was getting till now. As against this, there is no loss, or to put it in a milder tone, no substantial loss to the Applicants by the death of the deceased, as they were already staying separately from him. This does not mean that the amount of compensation awarded to them should be substantially decreased. But we think that instead of putting the unit calculation, it would be proper to consider the amount in lump sum available to the various Applicants and opponent Nos. 5, 6 and 7.

24. The total amount awarded is Rs. 84,000/- and in our view, Applicant No. 1 should be awarded an amount of Rs. 22,000/- and each of the Applicant Nos. 2 and 3 should be awarded an amount of Rs. 10,000/-. Likewise, opponent No. 7 should be awarded an amount of Rs. 22,000/- and each of the opponent Nos. 5 and 6 should be awarded an amount of Rs. 10,000/-. On the amounts awarded to Applicant Nos. 1, 2 and 3 and opponent Nos. 5, 6 and 7, they will be entitled to interest at the rate of 6 per cent per annum from the date of application till payment or till the amounts are deposited in the lower Court. The amount payable to each of minor Applicant Nos. 2, 3 and minor opponent Nos, 5 and 6 shall be invested by the Nazir of the Court in fixed deposits with a Nationalised Bank, so as to be paid to them on their completing the age of 18 years respectively. The interest due on each deposit shall be paid to the mother of the respective minors-Applicant No. 1 in the case of Applicant Nos. 2 and 3 and opponent No. 4 in the case of opponent Nos. 5 and 6. If necessary, the amount of interest for Applicant Nos. 2 and 3 may be periodically sent by money-order to Applicant No. 1 and for opponents Nos. 5 and 6 to opponent No. 4, at the costs of the parties.

25. The appeal is accordingly partly allowed. There shall be no order as to costs of this appeal so far as the Applicant and opponents Nos. 4, 5, 6 and 7 are concerned. The cross-objections filed by opponent No. 1 are dismissed with costs.