
(1995) 04 SHI CK 0009

In the High Court Of Himachal Pradesh

Case No : FAO (MVA) No"s. 143 and 148 of 1984

Narbadu Devi

APPELLANT

Vs

H.R.T.C.
 H.R.T.C. Vs Narbadu Devi

RESPONDENT

Date of Decision : 05-04-1995

Acts Referred:

Citation : (1995) 2 ILR HP 955

Hon'ble Judges : S.N. Phukan, C.J;Bhawani Singh, J

Bench : Division Bench

Advocate : B.K. Malhotra, in FAO 143 of 1984 and D.K. Khanna, for H.R.T.C, for the Appellant; D.K. Khanna, for H.R.T.C and B.K. Malhotra in FAO 148 of 1984, for the Respondent

Final Decision : Dismissed

Judgement

S.N. Phukan, C.J.—Both the appeals can be disposed of by this judgment since they arise out of the same award dated 27th April 1984 of the Motor Accident Claims Tribunal (I), Mandi in Claim Petition No. 18 of 1983.

2. The accident took place on 17th December 1982. The bus involved was HPM-551 which was travelling from Bus Stand, Mandi to Leda.

3. It may be mentioned that in another appeal (FAO (MVA) 50 of 1985) decided on October 26, 1984 by a Division Bench of this Court, it was decided that the accident took place due to rash and negligent act on the part of the driver as well as the Road Corporation. Therefore, we need not re-state the facts and the circumstances of this case.

4. The only point that requires our consideration in the present appeals is whether Appellant Narbada Devi is entitled to get a part of the compensation for the death of her mother Smt. Sundri Devi and father Shri Ram Saran Dass. The learned Tribunal rejected the claim on the ground that she was married and was not dependant on her parents.

5. The learned Counsel for the Appellant has strenuously urged that there was a loss of estate of her parents and she being the legal heir is entitled to get a part of the compensation. There is absolutely no evidence on record to show that there was any loss to the estate of the parents of the present Appellant Narbadu Devi. Under the Motor Vehicles Act, just compensation is awarded on the death of earning member of the family to those persons who were dependent on the deceased. This is done in view of the fact that there is sudden loss of income and the family has Narbadu Devi v. HBTC (S.N. Phukan, CJ & Bhawani Singh, J.) to maintain itself. Admittedly, a married daughter cannot be said to be dependent on her parents. There is no evidence to show that Appellant Narbadu Devi was getting some amount for her maintenance from her parents.

6. We may also refer to two decisions on this point. In Bhagwani Devi Vs. Krishna Kumar Saini and Others, Punjab and Haryana held as follows:

...None of these sons has been shown to have been dependant upon the deceased. They were all adults and employed during the lifetime of the deceased. It is well settled that occasional gifts by parents to grown up children for any special purpose or otherwise does not denote dependency justifying compensation being awarded to such children on this account.

7. Similarly, Allahabad High Court in Nathi Singh Vs. Vimlesh Gupta and Others, has held that a married daughter is not dependant upon the deceased and, therefore, cannot claim compensation.

8. We are in respectful agreement with the above law laid down by the two High Courts and we hold that Appellant Narbada Devi is not entitled to get any share of the compensation awarded on the death of her parents.

9. We have also considered the appeal filed by the Transport Corporation and we do not find any substance in that appeal as well.

10. For the reasons stated above, both the appeals are dismissed. Costs on parties.