
(2001) 01 P&H CK 0004
In the Punjab And Haryana At Chandigarh
Case No : F.A.O. No. 414 of 1995

Narender Kaur

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision : 11-01-2001

Acts Referred:

Motor Vehicles Act, 1988 — Section 166

Citation : (2001) 2 RCR(Civil) 39

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

Bench : Single Bench

Advocate : Mr. Sultan, A.A.G., for the Respondent

Judgement

R.L. Anand, J.—In this case, one Puran Singh died. He was an agriculturist by profession. As per the allegations of the claim petition, he was owner of land measuring 35 acres. The Tribunal awarded a sum of Rs. 1,50,000/- as compensation. Not satisfied with the award, the claimants filed the present appeal in the High Court. The matter was referred to the Lok Adalat, which proposed a sum of Rs. 3,34,000/- as compensation by holding that the earning capacity of the deceased should be taken at Rs. 2000/- p.m. and the dependency of the claimants should be calculated at Rs. 18,000/- p.a. In this regard, I have not to differ with the observations made by the Lok Adalat. The deceased was an agriculturist. He was holding agricultural land and in this manner, his earning capacity should be taken at Rs. 2000/- p.m. He was also having his wife and two children. After deducting personal expenses, the annual dependency of the claimants has been rightly calculated at Rs. 18,000/- p.a. by the Lok Adalat. However, this Court wanted to differ with the observations of the Lok Adalat when it applied a multiplier of 18 in this case. I am of the opinion that a multiplier of 16 should be made applicable in this case and in this manner, the claimants are entitled a sum of Rs. 2,88,000/- plus Rs. 10,000/- towards funeral expenses and costs of the charges and in all, the claimants are entitled to a sum of Rs. 2,98,000/- plus interest @ 12% p.a. from the date of filing of the claim

petition till payment. The claim petition was filed on 23rd December, 1992. The amount paid under the order of the Tribunal would be adjusted. Enhanced amount shall be shared equally. Two months" time is granted to the respondents to make the payment.

In this view of the matter, the appeal is partly allowed and a sum of Rs. 2,98,000/- is awarded to the claimants besides interest @ 12% p.a. from the date of filing of the claim petition i.e. 23.12.1992 till payment. There shall be no order as to costs.

2. Appeal partly allowed