
(2001) 11 AHC CK 0032
In the Allahabad High Court

Narendra Tandon

APPELLANT

Vs

U.P State Road Transport Corporation and Others

RESPONDENT

Date of Decision : 29-11-2001

Acts Referred:

Citation : (2002) 3 ACC 60

Hon'ble Judges : V.M. Sahai, J;Sudhir Narain, J

Bench : Division Bench

Judgement

Sudhir Narain, J.—This appeal is directed against the award dated 16.1.1996 passed by the Motor Accident Claims Tribunal, Aligarh for enhancing the amount of compensation.

2. The claim petition was filed by the appellants with the allegations that Ram Narayan Tandon, Smt. Prabha Tandon, Km. Vidhu Tandon, Jugunu Kashyap were going to Haridwar from Kanpur by the Maruti Van No. UP 78/E-730 on 4.7.1992 at about 12.30 p.m. While they were crossing Cable factory near G.T. Road, U.P. Roadway Bus No. UPG-7494 dashed against the Maruti Van, which was rashly and negligently driven by the driver of the U.P. Roadways bus. Ram Narayan Tandon, Smt. Prabha Tandon, Km. Vidhu Tandon and Jugunu Kashyap received serious injuries and later on they expired. Sweta Tandon and Ram Narayan also received injuries.

3. The appellants Sona Devi filed Claim Petition No. 320 of 1992 and Narendra Tandon and others have filed Claim Petition Nos. 321 and 322 of 1992. All the claim petitions were partly allowed by the Tribunal.

4. In the Claim Petition No. 320 of 1992 filed by Sona Devi, a sum of Rs. 1,51,000/- was awarded as compensation. In Claim Petition No. 321 of 1992 filed by Narendra Tandon, a sum of Rs. 50,000/- was awarded as compensation. In Claim Petition No. 322 of 1992 filed by Narendra Tandon, a sum of Rs. 50,000/- was awarded as compensation.

5. We have heard Mr. Rajesh Tandon and Mr. Pradeep Saxena, learned Counsel

for the appellant and Mr. Samir Sharma, learned Counsel for the respondents.

6. Narendra Tandon has filed F.A.F.O. No. 326 of 1996 in Motor Accident Claims Tribunal Case No. 322 of 1992 and F.A.F.O. No. 327 of 1996 against the order passed in Motor Accident Claims Tribunal Case No. 321 of 1992 and F.A.F.O. No. 336 of 1996 by Sona Devi in Motor Accident Claims Tribunal Case No. 320 of 1996. These appeals are decided by a common order as all the persons involved in the accident were from the same vehicle.

7. In all the cases the grievance of the appellant is that the Tribunal has awarded lesser amount of compensation. In F.A.F.O. No. 326 of 1996 the appellant claimed compensation for the death of his daughter. The age of the deceased daughter was 17 years. The Tribunal has awarded Rs. 50,000/- as compensation.

8. Learned Counsel for the appellant has contended that if the daughter had remained alive she would have earned amount. The daughter was aged about 17 years and the appellant was to incur the amount for her marriage and after marriage, the appellant would not have shared her income, if any.

9. The Tribunal has rightly awarded Rs. 50,000/- as compensation. The appeal is liable to be dismissed.

10. The appellant in F.A.F.O. No. 327 of 1996 has claimed compensation for the death of his parents. The Tribunal has awarded Rs. 50,000/- as compensation. The appellant has held that the age of the father was 72 years at the time of accident.

11. The Tribunal, in these circumstances has rightly awarded Rs. 50,000/- as compensation. The appeal is accordingly dismissed.

12. Smt. Sona Devi has filed F.A.F.O. No. 336 of 1996 as her husband expired. Her husband was earning Rs. 1,500/- per month. The Tribunal has taken a view that the deceased husband could have spent 50% of the income on himself and after deducting the income which he must have spent on himself, he has calculated the amount as compensation. There is no justification assigned by the Tribunal that the husband would have spent half of the income on himself. A person normally incurs 1/3rd of income on himself and rest on his family members, depending upon numbers.

13. Considering the facts and circumstances of the case, it is held that the deceased husband of the appellant would have spent 1/3rd of his income on himself and 2/3rd on his family. The Tribunal shall accordingly calculate the amount of compensation and shall pass fresh order within three months from the date of presentation of certified copy of this order. F.A.F.O. No. 336 of 1996 is partly allowed and is remanded to the Tribunal to pass order keeping in view the observations made above.

14. The parties shall bear their own costs in all these appeals.