
(1990) 01 AHC CK 0066
In the Allahabad High Court
Case No : F.A.F.O. No. 624 of 1988

Nihal Devi and Others

APPELLANT

Vs

Raghuvir Singh and Others

RESPONDENT

Date of Decision : 02-01-1990

Acts Referred:

Citation : (1990) 2 ACC 389 : (1991) ACJ 1128

Hon'ble Judges : R.P. Singh, J;N.N. Mithal, J

Bench : Division Bench

Advocate : Sushil Harkauli, for the Appellant;

Final Decision : Allowed

Judgement

N.N. Mithal, J.—Having heard Mr. Sushil Harkauli, learned counsel for the appellants, on the question of quantum of compensation awarded in this case, we are not satisfied that the order passed by the Claims Tribunal calls for any interference by this court. As a matter of fact after recording a finding that the total dependency of the family was Rs. 250/- per month the Tribunal has arrived at a figure of Rs. 84,000/- taking his longevity as 60 years. After making deduction of 30 per cent a sum of Rs. 58,800/- has been awarded. Since the claimants have already received Rs. 15,000/- under an interim award u/s 92-A, final award has been made for Rs. 43,800/-.

2. Mr. Sushil Harkauli, in the first instance, submitted that the deduction of 30 per cent on account of lump sum nature of payment was not justified and only 20 per cent deduction should have been made. We do not think that there is any merit in this submission. The deceased was likely to live for another 28 years and the entire earnings of this period of 28 years were now being paid in a lump sum. When the period is long, a higher rate of deduction is justified. It is only in those cases where the remaining life expectancy is in the vicinity of ten years or so, that a smaller deduction of 20 to 25 per cent is usually made. In this case the Claims Tribunal was justified in making the deduction of 30 per cent on account

of lump sum nature of payment.

3. The learned counsel also submitted that the income of the deceased was likely to increase every year and consequently dependency of the family would have increased. This submission also has no merit.

4. The petition fails and is accordingly dismissed.