
(2001) 02 P&H CK 0034
In the Punjab And Haryana At Chandigarh
Case No : FAO No. 283 of 1993

Patvinder Kaur

APPELLANT

Vs

Himmat Singh

RESPONDENT

Date of Decision : 16-02-2001

Acts Referred:

Motor Vehicles Act, 1988 — Section 166

Citation : (2001) 4 RCR(Civil) 518

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

Bench : Single Bench

Advocate : K.S. Sidhu, for the Appellant; Sultan Singh, AAG, for the Respondent

Final Decision : Partly Allowed

Judgement

R.L. Anand, J.—In this case Motor Accident Claims Tribunal, Ambala awarded compensation to the tune of Rs. 2,11,000/- to the claimants (new appellants). Deceased Surinderpal Singh was aged about 24 years and he died in an accident which took place on 21.8.1988. He was an agriculturist owning 50 acres of land. Besides that, he was having income from dairy business. The Tribunal assessed the earning capacity of the deceased at Rs. 1,500/- and after deducting his personal expenses calculated the annual dependency of the claimants at Rs. 13,200/-, and by applying the multiplier of 16 years, it awarded Rs. 2,11,000/- besides interest.

2. The matter was referred to the Lok Adalat which opined that the agricultural labourer like the deceased could earn Rs. 2,000/- per month and it assessed the annual dependency of the claimants at Rs. 15,600/-, and after applying the multiplier of 17 years, keeping in view the age of the deceased, proposed a sum of Rs. 2,65,000/-.

3. Against the proposal of the Lok Adalat objections were filed by the State of Haryana.

4. I have gone through the file of this case and in my opinion the Tribunal rightly

calculated the annual dependency of the claimants at Rs. 13, 200/-. In this case the deceased was a young boy of 24 years who died in his prime youth and the multiplier of 17 years cannot be said to be harsh or unreasonable. Thus the compensation to be awarded to the claimants comes to Rs. 2,24,400/- and by adding a sum of Rs. 10,000/- by way of funeral expenses and consortium, the total compensation comes to Rs. 2,34,400/- which should be awarded to the claimants besides interest @ 12% per annum from the date of the filing of claim petition i.e. 3.11.1988 till payment. The amount already awarded by the Tribunal would be adjusted therefrom. The amount shall be shared by the claimants equally and the share of the minor Harmandip Singh would be deposited in a nationalised bank in fixed deposit and shall be payable to him on attaining the age of majority. Two-month time is granted to the respondents to pay the enhanced amount of compensation.

Appeal is partly allowed.

5. Appeal partly allowed.