
(1991) 10 P&H CK 0014

In the Punjab And Haryana At Chandigarh

Case No : First Appeal from Order No. 1318 of 1991 and Civil Miscellaneous No. 8673-CII of 1990

Rajasthan Rajya Path Parivahan Nigam (Delux)

APPELLANT

Vs

Tarawati and Others

RESPONDENT

Date of Decision : 28-10-1991

Acts Referred:

Limitation Act, 1963 — Section 5

Motor Vehicles Act, 1988 — Section 173

Citation : (1992) 1 ACC 589 : (1992) ACJ 675 : (1992) 101 PLR 496

Hon'ble Judges : V.K. Jhanji, J;M.S. Liberhan, J

Bench : Division Bench

Advocate : Munishwar Puri, for the Appellant; Chander Singh, for the Respondent

Final Decision : Dismissed

Judgement

M.S. Liberhan, J.—The appeal was admittedly filed within limitation. However, the deposit of Rs. 25,000/- which was pre-requisite for filing the appeal was made after the expiry of limitation. It is stated that the error has occurred because of the lack of advise on the part of the counsel. Keeping these facts and circumstances in view, the delay is condoned.

2. The claimants claimed a sum of Rs. 2,50,000/- as compensation on account of the death of the deceased caused by bus No. RNP-1004 owned by the appellant-respondent and driven by Kheta Ram driver, by dashing it into the scooter No. DEV-4377 on which the deceased was riding. The accident was claimed to have been caused because of rash and negligent driving of the aforesaid bus.

3. On appreciation of evidence, the Tribunal came to the conclusion that the accident has been caused on account of rash and negligent driving of the bus by its driver Kheta Ram.

4. The deceased was found to be 35 years of age and was a medical practitioner

earning Rs. 1000/- per month. Thus the dependency was calculated to be Rs. 9,300/- per annum. Keeping all the facts and circumstances in view a multiplier of "16" was applied. By adding Rs. 1,200/- as funeral charges, a total compensation of Rs. 1,50,000/- was awarded to the claimant-respondents by the Tribunal against the appellant.

5. Learned counsel for the appellant has failed to point out any error in the judgment much less worth noticing. The judgment is well reasoned judgment and finding of fact has been arrived at after due appreciation of evidence with which we concur. Thus we find no force in the appeal and the same is dismissed with costs. Costs Rs. 1000/-. The amount deposited in the High Court be paid to the claimants.