(1993) 09 P&H CK 0160

In the Punjab And Haryana At Chandigarh

Case No : First Appeal from Order No. 1027 of 1984

Ram Lal Chadha and Others — APPELLANT

Vs

New India Assurance Co. Ltd. and Others — RESPONDENT

Date of Decision : 21-09-1993

Acts Referred:
Motor Vehicles Act, 1939 — Section 110A

Citation : (1995) ACJ 24 : (1994) 107 PLR 101

Hon'ble Judges : Amarjeet Chaudhary, J

Bench : Single Bench

Advocate : Ravinder Arora, for the Appellant; B.S. Dhillon and R.P. Singh Ahluwalia, for the Respondent

Judgement

Amarjeet Chaudhary, J.—This order will dispose of FAO''s No. 1027 and 1028 of 1984 arising out of the award of the Motor Accident Claims Tribunal, Ambala dated 16.10.1984.

2. Satwant Kaur & others had filed claim petition No. 6 of 1983 and Ram Lal Chadha and others had filed claim petition No. 7 of 1983 u/s 110-A of the Motor Vehicles Act before the Motor Accident Claims Tribunal, Ambala (hereinafter referred to as the Tribunal).

3. In the case of Satwant Kaur, the Tribunal by assessing the dependency of the claimants at Rs. 250/- per month and by adopting a multiplier of 16, had awarded a sum of Rs. 48,000/- with 12% PA interest on account of the death of Surjit Singh. In the case of Ram Lal Chadha & others, the Tribunal by assessing the dependency of the claimants at Rs. 250/- per month and by adopting a multiplier of 16, had awarded a sum of Rs. 48,000/-with 12% PA interest as compensation on account of the death of Sushil Kumar Chadha.

4. In both the appeals, the challenge to the award is that the dependency of the claimants was not correctly calculated and the Tribunal should have adopted a higher multiplier.

5. I have perused the case file and considered the submissions of the Counsel for the parties.

6. On consideration of the matter; I am of the view that in the case of Satwant Kaur & others, the dependency of the claimants on the deceased was not correctly assessed. The monthly income of the deceased from the business in which he was engaged could not have been less than Rs. 750/- out of this income after deducting l/3rd amount i.e. Rs. 250/-, the dependency of the claimants on the deceased would be 2/3rd i.e. Rs. 500/-. In this manner, the annual dependency of the claimants would be Rs. 6000/- (Rs. 500 x 12). The Tribunal had not erred in adopting a multiplier of 16 taking into consideration the age of the deceased Surjit Singh who was 21 years at the time of his death. By applying a multiplier of 16, the claimants are held entitled to Rs. 96,000/- with 12% P,A. interest from the date of filing of the claim petition. Out of this award compensation, a sum of Rs. 20,000/- will go to the minor brother Sarabjit Singh, Rs. 30,000/- will go to the minor sister and the remaining 46,000/- will be paid to Satwant Kaur, widow of the deceased. Out of the compensation awarded by this Court, a sum of Rs. 20,000/- already awarded by the Tribunal is to be adjusted.

7. Now coming to the case of Ram Lal Chadha & others, I am of the view that in this case the dependency of the deceased was also not properly assessed by the Tribunal. It was stated by the mother of the deceased that the deceased was earning Rs. 2000/- per month form his business of sale and purchase of utensils. It appears that the income of the deceased could not have been less than Rs. 750/-. Out of this income, after deducting l/3rd amount i.e. Rs. 250/- , the dependency of the claimants on the deceased would be 2/3rd i.e. Rs. 500/- per month. In this Manner, the annual dependency of the claimants would be Rs. 6000/- (Rs. 500 x 12).

8. Taking into consideration the age of the deceased who was a young man of 22 years at the time of his death, the Tribunal had adopted a suitable multiplier of 16. Accordingly, by applying a multiplier of 16, the claimants-appellants are held entitled to Rs. 96,000/- with 12% PA interest from the date of filing of the claim petition. Out of the awarded compensation Rs. 16,000/- each will go to the claimants Nos. 3, 4 and 5 and Rs. 24,000/- each will be paid to claimants No. 1 and 2. Out of the compensation awarded by this Court, a sum of Rs. 24,000/- already awarded by the Tribunal is to be adjusted.

9. The award of the Tribunal is modified to the extent indicated above. Both (he appeals stand disposed of accordingly. No order as to costs.