
(2001) 01 P&H CK 0180
In the Punjab And Haryana At Chandigarh
Case No : F.A.O. No. 2372 of 1995 (O and M)

Reshma

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision : 11-01-2001

Acts Referred:

Motor Vehicles Act, 1988 — Section 166

Citation : (2001) 1 RCR(Civil) 758

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

Bench : Single Bench

Advocate : Mr. Vinod Gupta, for the Appellant; Mr. Sultan Singh, A.A.G., for the Respondent

Judgement

R.L. Anand, J.—In this case, Ruldu Ram expired at the age of 46 years in a vehicular accident, which took place on 13th July, 1994. The offending vehicle was the bus of Haryana Roadways bearing registration No. HR-26-A/1132. The claim petition was filed by the seven dependants. The Tribunal assessed the earning capacity of the deceased at Rs. 1500/- p.m. and the dependency was calculated at Rs. 1200/- p.m. and after applying a multiplier of 14 years, the Tribunal awarded a sum of Rs. 2,01,600/- as compensation with costs and interest @ 12% p.a from the date of filing of the claim petition till the payment. The appellants were not satisfied with the award. They filed the present appeal. The matter was referred to the Lok Adalat and the Lok Adalat recommended a sum of Rs. 2,78,800/-. Against the recommendations of the Lok Adalat, the State of Haryana has filed the present objections.

2. I have heard the learned counsel for the parties and with their assistance have gone through the record of this case.

3. Proved facts of the case are that Ruldu Ram was owner of "AttaChakki". As per the allegations of the claimants, he was earning Rs. 3000/- p.m. There is no satisfactory evidence in this case, but one thing which is proved on the record is that in the year 1994 the deceased Ruldu Ram was feeding seven members of

the family. Exaggerations are always made when the claimants file the claim petition. In this view of the matter, I take the annual income of the deceased as Rs. 2000/- p.m. and calculate the dependency of the claimants at Rs. 18000/- per year and by applying a multiplier of 14 years, the claimants are entitled to a sum of Rs. 2,52,000/- as compensation besides Rs. 10,000/-towards funeral expenses and costs of charges and in all, the claimants are entitled to a sum of Rs. 2,62,000/-besides interest @ 12% p.a. from the date of filing of the claim petition till payment. In this view of the matter, by declining the objections of the State of Haryana, the main appeal is partly allowed and it is hereby ordered that the respondents shall pay a sum of Rs. 2,62,000/- as compensation besides interest @ 12% p.a. from the date of filing of the claim petition till payment. The respondents shall be entitled to deduct the amount which has already been paid by them to the claimants. The enhanced amount of compensation shall be paid by the State of Haryana within two months from the receipt of a copy of this order. There shall be no order as to costs. Copy of the order dasti.

4. Appeal partly allowed.