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(1993) 04 P&H CK 0086

In the Punjab And Haryana At Chandigarh

Case No : F.A.F.O. No. 649 of 1985

Satish Kanta and Others — APPELLANT

Vs

State of Punjab and Others — RESPONDENT

Date of Decision : 16-04-1993

Acts Referred:

Motor Vehicles Act, 1988 — Section 110A

Citation : (1995) ACJ 944

Hon'ble Judges : Amarjeet Chaudhary, J

Bench : Single Bench

Advocate : Rohit Tandon and P.C. Goyal, for the Appellant; Arihant Jain, A.A.G., for the Respondent

Final Decision : Allowed

Judgement

Amarjeet Chaudhary, J.—This appeal is directed against the award of the Motor Accidents Claims Tribunal, Rup Nagar (hereinafter referred to as ''the Tribunal''), which, on a claim petition u/s 110-A of the Motor Vehicles Act, awarded an amount of Rs. 1,34,400/- on account of death of one Suraj Parkash, who died in vehicular accident on 4.3.1984.

2. Aggrieved against the award of the Claims Tribunal the claimants have filed the present appeal and have prayed for enhancement of the compensation.

3. I have considered the submissions of learned counsel for the parties and have perused the paperbook.

4. In the case in hand the death of the deceased is not disputed. The question which requires determination by this court is with regard to the quantum of compensation. Admittedly, deceased was aged 34 years at the time of his death and was drawing Rs. 1,129.70 as his salary as he was working as Assistant in Civil Aviation Department, Haryana, Chandigarh. After deducting personal expenses of the deceased, the Tribunal assessed the dependency of the claimants at Rs. 700/- per month and applied a multiplier of 16. I am, thus, of

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the considered view that in the instant case the Tribunal taking into consideration the age of the deceased should have easily applied a multiplier of 24 as the age of superannuation of a Government employee is 58 years. The deceased would have remained in service for another 24 years and even had chances of further promotion. Taking into consideration all these facts and circumstances of this case, I am of the considered view that a multiplier of 24 would be reasonable. Thus, the appellants-claimants are entitled to a sum of Rs. 2,01,600/- (700 x 12 x 24) with interest at the rate of 12 per cent from the date of filing the petition, i.e., 21.4.1984 till the realisation of the entire amount. The appellants would be entitled to share the compensation amount in equal shares. The amount already awarded is to be deducted.

5. In view of the above, the present petition is allowed. However, the parties are left to bear their own costs.

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