
(1995) 09 P&H CK 0100

In the Punjab And Haryana At Chandigarh

Case No : Letters Patent Appeal No. 686 of 1986 in F.A.O. No. 64 of 1983

Satish Nath Sharma

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision : 06-09-1995

Acts Referred:

Motor Vehicles Act, 1939 — Section 110A

Citation : (1996) ACJ 521 : (1996) 112 PLR 159

Hon'ble Judges : S.P. Kurdukar, C.J.;V.K. Bali, J

Bench : Division Bench

Judgement

S.P. Kurdukar, C.J.—These four Letters Patent Appeals Nos. 686, 687, 818 and 819 of 1986 arise out of a common judgment rendered by the learned Single Judge on April 28, 1986, in F.A.Os Nos. 5 of 1983, 63 of 1983 and 64 of 1983.

2. Letters Patent Appeals Nos. 818 and 819 of 1986 are filed by the State of Haryana challenging the award of compensation in favour of Satish Nath Sharma and Usha Rani respectively. Letters Patent Appeal No, 686 of 1986 of 1986 is filed by Satish Nath Sharma for enhancement of compensation. Letters Patent Appeal No. 687 of 1986 filed by Smt. Bandi Venkata Ratnam and another is also for enhancement of compensation. Therefore, the result is that two Letters Patent Appeals Nos. 818 and 819 of 1986 are filed by the State of Haryana praying for reduction of compensation granted to Satish Nath Sharma and Usha Rani whereas two Letters Patent Appeals Nos. 686 and 687 of 1986 are filed by the claimants for enhancement of compensation.

3. The learned Single Judge has very succinctly set out the facts in the impugned judgment and, in our opinion, it is not necessary to reproduce the same. Suffice it to say that a Haryana Roadways bus bearing registration No. HYA-2274 met with an accident and several passengers travelling therein were injured and some of them died. The Haryana Roadways bus dashed against a stationary oil tanker parked on the roadside on the Grand Trunk Road between Karnal and Ambala on March 7, 1979 at about 4 A.M. In the said accident, one Ashok Kumar died and

his widow Usha Rani claimed compensation. In the same accident, one Bandi Venkateswara Swami, aged about 21 years, had died and his parents, namely, Smt. Bandi Venkata Ratnam and another, filed a claim petition and claimed compensation.

4. The Motor Accident Claims Tribunal, after recording evidence, vide its award dated 30th August, 1982, awarded Rs. 80,000/- to Usha Rani, widow of Ashok Kumar, Smt. Bandi Venkata Ratnam was awarded Rs. 56,600/- whereas Satish Nath Sharma (injured) was awarded Rs. 30,000/-.

5. The claimants, dissatisfied with the said award, preferred appeals in this Court and the learned Single Judge, vide impugned judgment and order dated 28th April, 1986, enhanced the compensation in respect of Usha Rani and Satish Nath Sharma to Rs. 1,50,000/- and Rs. 75,000/- respectively. As far as the appeal filed by Smt. Bandi Venkata Ratnam and another was concerned, the learned Single Judge dismissed the appeal and affirmed the award of Rs. 56,000/- passed by the Motor Accident Claims Tribunal. Some of the claimants as well as the State of Haryana, aggrieved by the impugned judgment of the learned Single Judge, have filed letters patent appeals, as mentioned above.

6. Mr. Arun Nehra, learned Additional Advocate General, Haryana, appearing for the State of Haryana, urged that the enhancement of compensation granted by the learned Single Judge in respect of Smt. Usha Rani, widow of Ashok Kumar, and Satish Nath Sharma (injured) was wholly unjustified. He urged that the findings of the learned Single Judge as regards the dependency and application of the multiplier in respect of these claimants of Smt. Usha Rani are incorrect. He also urged that there is no satisfactory evidence on the record to increase the amount of compensation in respect of these claimants.

7. We have ourselves gone through the judgment of the learned Single Judge as well as the relevant evidence on record and are satisfied that there is no error whatsoever in the judgment of learned Single Judge either in determining the dependency or in applying of the multiplier. Consequently, we affirm the findings of the learned Single Judge and dismiss Letters Patent Appeals Nos. 818 and 819 of 1986 filed by the State of Haryana with costs.

8. Coming to Letters Patent Appeal No. 686 of 1986 filed by Satish Nath Sharma, the injured claimant, for enhancement of compensation; the learned Single Judge has enhanced compensation to Rs. 75,000/-. After going through the reasons given by the learned Single Judge, we are satisfied that the increase in the compensation awarded by the Single Judge is fully justified. Mr. C.S. Pasricha, learned counsel appearing for Satish Nath Sharma, urged that though the said injured had suffered a business loss, his one leg was also shorted by one inch and he (the injured claimant) suffered 30 per cent permanent disability, yet no separate compensation has been awarded to him in that behalf. In our opinion, the submission made by Mr. Pasricha is not correct inasmuch as the learned Single Judge, after taking into account all the circumstances, has

enhanced the compensation from Rs. 30,000/- to Rs. 75,000/-. This increase would include the amount of compensation in respect of the disability. Thus, there is no substance in Letters Patent Appeal No. 686 of 1986. Consequently, the letters patent appeal is dismissed without any order as to costs.

9. Coming to Letters Patent Appeal No.687 of 1986 filed by Smt. Bandi Venkata Ratnam and another, parents of deceased Venkateswara Swami, we are of the opinion that, in the facts and circumstances of the case, the parents deserve enhancement of compensation. It may be stated that Bandi Venkateswara Swami was only 21 years of age and, after obtaining a Degree of Bachelor in Mechanical Technology from the College of Engineering at Kaki Nada, had come down to Chandigarh for Diploma Course in Personnel Management and Industrial Relations at the Panjab University. At the time when he joined the said Courses, he had an offer of service from a private firm in the grade of Rs. 750-50-1500 with usual allowances. The total emoluments, if he had accepted the service, would have been worked out to Rs. 1600/- per month. We accept the said figure for the purpose of calculating the dependency. Having regard to the facts and circumstances of the case, we are of the opinion that the said deceased could have provided at least Rs. 400/- per month to his parents. We, therefore, determine Rs. 400/- per month as dependency. Applying the multiplier of 16, the total amount of compensation would work out to Rs. 76,800/-. Mr. Pasricha, learned counsel for the appellants, urged that the claimants here were required to come down to Chandigarh for performing the last rites and they had spent a few thousands of rupees. Taking into account the facts and circumstances of the case and to meet the ends of justice, we direct the State of Haryana to pay a lumpsum of Rs. 80,000/- as compensation to the claimants in Letters Patent Appeal No. 687 of 1986. The learned Tribunal has already awarded a sum of Rs. 56,600/- as compensation which was affirmed by the learned Single Judge. The State of Haryana would pay the balance of the compensation amount, i.e. Rs. 23,400/- (Rs. 80,000/- less Rs. 56,600/-) with interest at the rate of 12 per cent per annum from the date of the application filed before the Tribunal. In the result, Letters Patent Appeal No. 687 of 1986 is allowed with costs. We hope the respondents in this Appeal will pay the compensation expeditiously and preferably before 31st December, 1995.