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(1989) 09 P&H CK 0008

In the Punjab And Haryana At Chandigarh

Shri Ram Pher and Others APPELLANT

Vs

Smt. Avnash Mahajan and Another RESPONDENT

Date of Decision : 01-09-1989

Acts Referred:

Motor Vehicles Act, 1939 — Section 92A

Citation : (1991) 1 ACC 188

Hon'ble Judges : S.S. Sodhi, J

Bench : Single Bench

Judgement

S.S. Sodhi, J.—The controversy in appeal here is with regard to the quantum of compensation payable to the parents of Harish Chandcr deceased who was killed when he was involved in an accident with the Matador CHW-654. This happened on the Chandigarh-Panchkula Road at about 8 P.M. on June 13, 1983. After holding that the blame for the accident lay wholly upon the driver of the Matador, the Tribunal held the claimants entitled to a sum of Rs. 1, 13, 200/- as compensation including the amount already received by them u/s 92-A of the Motor Vehicles Act, 1939.

2. Reference to the record would show that Harish Chander deceased was only about 23 years of age at the time of his death. The claimants here are his parents, namely, his 60 years old father and his mother, who was 35 years of age at the time of his death. The dependency of the claimants was assessed at Rs. 680/- per month. The challenge now, is in the main, to the multiplier adopted, namely ''16''.

3. Compensation in such cases has to be assessed keeping in view the principles laid down by the Full Bench in Lachhman Singh v. Curmit Kawr 1979 P.L.R. 1. One of the most relevant consideration there is undoubtedly the age of the deceased and that of the claimants. Further, it is now settled law that the normal multiplier to be adopted is '' 16'' but where the age of the claimants is as that of the parents of Harish Chandcr deceased, here such a multiplier cannot indeed be justified. The Tribunal must accordingly be held to have fallen in error in

adopting'' 16" to be the multiplier. The more appropriate multiplier would be'' 10'' but keeping in view the fact that the parents are still living and there is no suggestion that they are otherwise than in good health, as a matter of abundant caution, a multiplier of 12 may be adopted in the present case. So computed, the compensation payable to the claimants would work out of Rs. 86, 400/- which may be rounded off to Rs. 87, 000/-. The compensation payable to the claimants is accordingly hereby reduced to this sum. The amount already paid to the claimants u/s 92-A of the Motor Vehicles Act 1939 has, of course, to be deducted from this sum. In other words, the compensation payable to the claimants now would be Rs. 72, 000/- which the claimants shall be entitled to along with interest at the rate of 12 per cent per annum from the date of the application to the date of the payment of the amount awarded.

4. This appeal is consequently accepted to this extent while the cross-objections filed by the claimants are hereby dismissed. In the circumstances, however, there will be no order as to costs.

