
(1996) 07 P&H CK 0004
In the Punjab And Haryana At Chandigarh

Smt. Amro and Another

APPELLANT

Vs

General Manager, Punjab Roadways Depot and Others

RESPONDENT

Date of Decision : 09-07-1996

Acts Referred:

Citation : (1998) 1 ACC 319

Hon'ble Judges : Amarjeet Chaudhary, J

Bench : Single Bench

Judgement

Amarjeet Chaudhary, J.—This order of mine will dispose of F.A.O. No. 1461 of 1991 and Cross Objections No. 82-CII of 1992.

2. Under challenge in these cases is the award of Mr. J.C. Aggarwal, Motor Accident Claims Tribunal, Hoshiarpur passed on August 21, 1991 by

which the Tribunal had awarded a sum of Rs. 1,66,464/- to Sheela Devi and Balbinder Singh claimants alongwith interest at the rate of 12% per

annum from the date of filing of petition i.e., May 7, 1990 till payment. However, no compensation to Smt. Amro, mother of Surjit Ram deceased

was awarded. Dissatisfied with the award, appeal has been filed by Smt. Amro who is the mother of deceased and the cross-objections have been

filed by Smt. Sheela Devi for herself and on behalf of her minor son Balbinder Singh.

3. During the pendency of appeal, Smt. Amro filed an application to protect her interest by keeping some money reserved for her out of the

compensation. This Court vide order dated March 12, 1992, ordered that out of the compensation awarded, a sum of Rs. 30,000/- be not paid to

other claimants during the pendency of appeal.

4. I have heard learned Counsel for the parties and perused the paper book.

5. The Motor Accident Claims Tribunal did not award any compensation to Smt. Amro, mother of the deceased for the reason that in the memo of parties, she has been shown to be the wife of one Ram Asra whereas in para No. 1 of the petition, the name of father of deceased Surjit Ram is given as Puran Chand. Smt. Sheela Devi in her statement has deposed that Smt. Amro is her mother-in-law and mother of the deceased. Since Smt. Sheela Devi has candidly conceded that Smt. Amro is her mother-in-law, It is held that Smt. Amro is the mother of Surjit Ram deceased and she should have been awarded compensation.

6. The learned Tribunal in discussion under issue No. 3 has held as under:

Since Surjit Ram died due to the rash and negligent act of respondent No. 1, so the petitioners namely Sheela Devi and Balbinder Singh (minor) are held to be entitled to compensation from all the three respondents. Taking the income of the deceased at Rs. 1,300/- per month, the monthly loss of dependency of the petitioners comes to Rs. 867/- as the deceased must be spending 1/3rd on himself. Multiplying by 12, the annual loss of dependency of the petitioners comes to Rs. 10,404/-. Surjit Ram died at the age of 35 years while his widow is aged 26 years and his minor son is aged 9 years.

The learned Tribunal further held as under:

So applying the said multiplier of 16, the petitioner Nos. 1 and 2 i.e. Sheela Devi and Balbinder Singh are held to be entitled to compensation amounting to Rs. 1,66,464/- from the respondents.

7. The deceased was a low paid employee and had aged mother, wife and son. In these circumstances, it cannot be expected that the deceased was spending 1/3rd on himself. Taking into consideration all the facts and circumstances of this case, I am of the considered view that the deceased was not spending more than Rs. 350/- on his person and was contributing atleast Rs. 950/- for the maintenance of his family. Multiplying by 12, the annual dependency of the claimants comes to Rs. 11,400/-. Applying a multiplier of "16", the total compensation payable to the claimants comes to Rs. 1,82,400/-. The learned Tribunal has not rightly deducted the amount which was being spent by the deceased on his own person. Therefore, the claimants are held entitled to a total Compensation of Rs. 1,82,400/- (Rupees one lac eighty two thousands and four

hundred).

8. Now I come to the question of apportionment. As has already been held, Smt. Amro is the mother of deceased. She is an aged lady. She has

also to maintain herself. It has not been proved on the record that she has any source of income. She, being the mother of deceased, is entitled to

have share in the compensation amount. She is accordingly held entitled to a compensation of Rs. 30,000/- (Rs. Thirty thousands only) from the

total compensation amount of Rs. 1,82,400/-. Rest of compensation amount shall be shared by Sheela Devi and Balbinder Singh in equal shares.

9. In view of my above findings, Smt. Amro will get Rs. 30,000/- (Rs. Thirty thousands only) from the total amount of compensation of Rs.

1,82,400/-. Rest of the compensation amount will be shared by Sheela Devi and Balbinder Singh in equal shares. The claimants will also be

entitled to interest at the rate of 12% per annum on the enhanced amount of compensation. The enhanced amount of compensation falling to the

share of Balbinder Singh minor be deposited in some Nationalised Bank in fixed deposit so as to mature on attaining majority by the minor.

10. The finding of learned Tribunal on issue No. 3 is modified to the extent indicated above and the F.A.O. and Cross Objections are disposed of

in the above terms.