
(2002) 03 P&H CK 0035

In the Punjab And Haryana At Chandigarh

Case No : Civil Miscellaneous No. 2240 of 2002 and First Appeal From Order No. 2322 of 2000

Smt. Lalitha Patil and Others

APPELLANT

Vs

Ram Bhawan Singh and Others

RESPONDENT

Date of Decision : 21-03-2002

Acts Referred:

Motor Vehicles Act, 1988 — Section 173

Citation : (2002) 3 RCR(Civil) 581

Hon'ble Judges : V.K. Bali, J

Bench : Single Bench

Advocate : N.K. Khosla, for the Respondent

Final Decision : Partly Allowed

Judgement

V.K. Bali, J.—Prayer made in this application u/s 151 of CPC is to allow objections against the proposed order of the IInd permanent Lok Adalat of this court dated 8.8.2001 for setting aside the same.

2. The claimants appeal arising from the award passed by learned Motor Accident Claims Tribunal dated 2.2.2000 was referred to permanent Lok Adalat of this court for disposal. The Lok Adalat vide order dated 8.8.2001 proposed compensation payable to the claimants to the tune of Rs. 8,22,000/- i.e., Rs. 1,92,000/- over and above the amount awarded by learned Tribunal with interest at the rate of 9% per annum from the date of filing of the claim petition, i.e., w.e.f. 7.1.1999 till payment.

3. The operative part of the order passed by the Lok Adalat runs thus:-

"If the parties object to the proposed order as above, they may move High Court with objection petition within two months for the disposal of the appeal on merits according to law."

4. In view of the order, referred to above, there was no need to make a prayer to

set aside the order dated 8.8.2001, as it would have been enough to object to the proposed order and claim order on merits instead of by way of settlement. Be that as it may, inasmuch the proposed order of Lok Adalat is not acceptable, the same, if required to be technically set aside, is hereby set aside.

5. I have heard learned Counsel for the applicant on merits of the case. The proved facts of the case reveal that in the accident, which took place on 18.8.1997, Shivaji Patil, aged 31 years, died and his widow, two minor children and mother had filed claim petition for compensation. A sum of Rs. 6,30,000/- was awarded by learned Tribunal. Being aggrieved, the claimants filed appeal for enhancement of compensation.

6. The facts, which stand proved on record, further reveal that the deceased was a driver in the Army and was earning a salary of Rs. 6,000/- per month. The Tribunal worked out dependency at Rs. 4,000/- and applied a multiplier of 13. In the manner aforesaid, compensation was worked out at Rs. 6,24,000/-. to this amount, a sum of Rs. 6,000/- was added towards funeral expenses etc. thus, assessing total compensation at Rs. 6,30,000/-, which was awarded along with interest at the rate of 12% per annum.

7. Learned Lok Adalat proposed a multiplier of 17, as the deceased was 31 years old at the time of his death. An amount of Rs. 8,16,000/- was, thus, worked out as compensation and a sum of Rs. 6,000/- was also added towards funeral, expenses, making total compensation at Rs. 8,22,000/-.

8. Learned counsel representing the applicant addressed arguments only with regard to quantum of compensation.

9. Learned counsel representing the respondent No. 3-New India Assurance Company Ltd. is unable to urge anything from where it might appear that multiplier of 17 should not have been applied in this case being excessive. The deceased left his widow, two minor children and mother as his dependents. If a unit system was to be applied, only 1/5th share from the salary of the deceased could have been deducted to work out the dependency of the claimants. In that way the dependency would have been more than Rs. 4,000/-. Even if, therefore, the multiplier of 17 may look to be excessive by one or two, the same can easily be set off against the dependency determined at Rs. 4,000/-. In totality of facts and circumstances of the case, it appears justifiable to work out total compensation payable to the claimants at Rs. 8,22,000/- as was proposed by learned Lok Adalat.

10. This Court is conscious of the fact that the matter is being disposed of on merits without hearing the appellant-claimants but that is being done for the only reasons that insofar as claimants are concerned, they were satisfied with the compensation that was proposed by learned Lok Adalat and the Court is not reducing the same.

No other point has been raised.

11. In view of the discussion made above, the appeal is partly allowed. Order of learned Tribunal dated 2.2.2000 is modified. The claimants are, however, held entitled to a compensation of Rs. 8,22,000/- along with interest at the rate of 9% per annum from the date of filing of the claim petition i.e., 7.1.1999 till payment is made. The amount of compensation would be shared by the claimants equally but the share of the minors would be deposited in a nationalised bank in fixed deposit to be paid to them on attaining majority.