
(1992) 08 P&H CK 0021

In the Punjab And Haryana At Chandigarh

Case No : First Appeal From Order No. 783 of 1987

Smt. Manjit Kaur and Another

APPELLANT

Vs

Shri Sat Pal and Others

RESPONDENT

Date of Decision : 06-08-1992

Acts Referred:

Motor Vehicles Act, 1939 — Section 110A, 110CC

Citation : (1993) ACJ 781 : (1992) 102 PLR 690 : (1992) 2 RCR(Rent) 538

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

Bench : Single Bench

Advocate : Navkiran Singh, for the Appellant; Munishwar Puri and Deepali Puri and Kanwarjit Singh and G.B.S. Sodhi, for the Respondent

Judgement

V.K. Jhanji, J.—This will dispose of F. A.O. No. 783, 784 and 791 of 1987. All these appeals are directed against the Award of the Motor Accidents Claims Tribunal whereby a claim petitions filed by the claimants were partly allowed.

2. In brief, the facts are that car bearing registration No. CHA.-2631 driven by Ram Lok belonging to Punjab State University Text book Board, Punjab, Mohali, met with an accident and as a result thereof Ram Lok Driver, Kapoor Singh Ghuman and Ramesh Puri who were travelling in the car, died. Widow of Ram Lok, namely, Angrez Kaur, three minor daughters, namely, Baljit Kaur, Paramjit Kaur and Jaswinder Kaur and two minor sons, namely, Sikramjit Singh, Jaspal Singh, father of the deceased, namely Baru Ram and mother Dyal Kaur, filed claim petition claiming compensation on account of the death of Ram Lok. Similarly, Manjit Kaur widow of Kapoor Singh Ghuman, Rammik Singh Ghuman, son and two daughters, Narinderjit Kaur, filed claim petition claiming compensation on account of the death of Kapoor Singh Ghuman while Prem Lata Puri widow of Ramesh Puri, Vipin Puri, minor son and Sonia Puri, minor daughter and Sudershan Wati, mother preferred yet another claim petition claiming compensation on account of the death of Ramesh Puri.

3. All the three claim petitions were decided by the Motor Accidents Claims

Tribunal. In the case of Ram Lok deceased claimants were held entitled to get compensation of Rs. 73,000/-. Out of this amount, a sum of Rs. 5,000/- each was to go to the old parents of the victim, Ram Lok whereas a sum of Rs. 10,000/- each was ordered to be paid to three minor daughters and two minor sons and the remaining amount of Rs. 13,000/- was to go to the widow of the deceased i. e. Angrez Kaur

4. In the case of Kapoor Singh Ghuman deceased, total amount of Rs. 1,11,000/- was awarded by the Tribunal. Out of this amount, a sum of Rs. 51,000/- was to go to the widow of the deceased, Manjit Kaur and the balance amount of Rs. 60,000/- was ordered to be shared equally by son, Ramnik Singh Ghuman and two daughters, Narinderjit Kaur and Swaraj Pinder Kaur.

5. In the case of Ramesh Puri deceased, claimants were awarded Rs. 1,00,000/-. Out of this amount, a sum of Rs. 10,000/- was ordered to be paid to Sudershan Wati, mother of the deceased while the remaining amount of Rs. 90,000/- was ordered to be shared equally by the widow and children of the deceased.

6. F. A. O. No. 783 has been filed by widow and son of Kapoor Singh Ghuman while F. A. O. No. 784 of 198/ has been preferred by widow, minor daughters, minor sons, father and mother of deceased Ram Lok. F. A. O. No. 791 of 1987 has been filed by widow, minor son, minor daughter and mother of Ramesh Puri deceased. In all these appeals, the claim is with regard to the enhancement of compensation.

7. So far as F. A. O. No. 784 is concerned, I find that Ram Lok deceased was 31(SIC) years old at the time of his death. By profession, he was a driver It has come on the record that at the time of his death, he was getting a pay of Rs. 900/- per month apart from overtime and daily allowances In this salary, he was maintaining his widow, two minor sons, three minor daughters. Taking into consideration that apart from salary, he was also earning by doing over-time and daily allowances and thus he must be contributing not less than Rs. 700/- per month for his family. Therefore, the dependency of the children can be safely calculated at Rs. 9,400/- per year. Keeping in view that he was 31(SIC) years of age at the time of his death, a multiplier of 18 can be applied in his case. Total compensation thus comes to Rs. 1,51,200/- and rounding it off, the same comes to Rs. 1,50,000/-. The Tribunal awarded compensation of Rs. 73,000/- to the claimants in this case Therefore, after on enhancement of the compensation, the amount now payable to the claimants comes to Rs. 77,000/-. Out of this, a sum of Rs. 15,000/- each shall be paid to the three minor daughters whereas a sum of Rs. 10,000/- each shall go to the two minor sons and balance amount of Rs. 12,000/- shall go to Angrez Kaur who shall also be entitled to interest at the rate of 12 percent per annum on the entire enhanced compensation. The amount of enhanced compensation shall be deposited in the individual names of the minors in F. D. R in some nationalised bank of the choice of the claimants. The amount so deposited in the names of the minors shall become payable to them on their attaining majority. In case, the amount now awarded to the minors and lying

deposited in F. D. Rs. as aforesaid, is required for their benefit and welfare before they attain majority, it shall be open to the mother to make an application to this Court for withdrawing the same and if such a prayer is made, the same shall be considered by this Court.

8. So far F. A. O. 783 of 1987 is concerned, Kapoor Singh Ghuman, deceased was 58(SIC) years old when he died in the accident. He had already retired as Director from the Language Department of Punjab Government. At the time of his death, he was under re-employment of the Department and was getting consolidated salary of Rs. 2,937/- Tribunal found that he must be contributing Rs. 2,000/- towards his family. For two years during the period he was to remain in the re-employment of the Department, it would come to Rs. 48,000/- and for the remaining period, dependency was determined at Rs. 6,00/- per year and multiplier of 10 was applied and thus a total sum of Rs. 1,11,000/- was awarded as compensation to his heirs. Keeping in view the fact that the deceased was re-employed as a Director by the Language Department of Punjab Government on a consolidated salary of Rs. 2,937/-, the loss of income to the family can safely be held to be Rs. 700/- per month which he could have contributed for the upkeep of his family even after his retirement. He was 58(SIC) years of age and thus a multiplier of 10 can be applied in his case. Thus, total compensation to be awarded in this case would come to Rs. 1,32,000/- and rounding it off, the same comes to Rs. 1,30,000/-. The Tribunal awarded a sum of Rs. 1,11,000/- After enhancement, what is now payable to his heirs is Rs. 19,000/- Out of this, Rs. 9,000/- shall be paid to his widow, Manjit Kaur and the remaining Rs. 10,000/- together with interest on the entire enhanced amount of compensation shall go to his son Ramnik Singh Ghuman.

9. As regards F. A. O. No. 791 of 1987, Ramesh Puri deceased was employed as a Manager, Punjab Film and News Corporation and was drawing a salary of Rs. 1,000/- per month at the time of the accident Tribunal found that he must be contributing not less than Rs. 600/- per month for his family. Since he was 36(SIC) years of age at the time of his death, multiplier of 16 was applied in his case. Therefore, after applying multiplier of 16, the total amount of compensation awarded worked out to Rs. 1,00,000/-. To my mind, he must be contributing not less than Rs. 700/- per month for his family and, therefore, the Award of the Tribunal is liable to be modified. Considering his age. I find that multiplier of 16 is justified. Thus, I award a sum of Rs. 1,35,000/- to the claimants in this case. Tribunal awarded Rs. 1,00,000/- and, therefore, what is now payable to the claimants is Rs. 35,000/-. Out of this amount a sum of Rs. 10,000/- each would go to the children and Rs. 15,000/- alongwith interest on the entire enhanced amount shall be paid to the widow of the deceased Ramesh Puri.

10. In all the claim petitions, Tribunal held that the liability of the Insurance Company was restricted to Rs. 1,50,000/- and in appeal compensation has not been awarded more than the statutory limit and, therefore, the Insurance

Company shall pay the amount with interest at the rate of 12(SIC) per cent per annum on the enhanced amount over and above the amount now enhanced. There shall be no costs.