
(1992) 01 P&H CK 0052

In the Punjab And Haryana At Chandigarh

Case No : First Appeal from the Order No. 1262 of 1985

Smt. Sunder

APPELLANT

Vs

Rameshwar Dass and Others

RESPONDENT

Date of Decision : 21-01-1992

Acts Referred:

Motor Vehicles Act, 1939 — Section 110CC

Citation : (1992) 101 PLR 520

Hon'ble Judges : R.S. Mongia, J

Bench : Single Bench

Advocate : G.S. Bawa, for the Appellant; R.C. Setia, Addl. A.G. for the Respondent Nos. 2 and 3, for the Respondent

Final Decision : Allowed

Judgement

R.S. Mongia, J.—One Jai Singh was working as field Officer in the office of the Assistant Cotton Development Authority, Fatehabad, District Hissar. On October 19, 1982 said Jai Singh was travelling in a bus run by Motroia Bus Service which met with an accident with a Haryana Roadways Bus. Unfortunately, said Jai Singh died in the accident. His widow Savitri and his mother Shmt. Sunder Devi filed a claim petition before the Motor Accident Claims Tribunal, Sirsa in which they claimed Rs. 40,000/- as compensation. The Motor Accident Claims Tribunal after holding that the accident had been caused due to rash and negligent driving by Rameshwar Dass, driver, Roadways, Sirsa, awarded Rs. 28,800/- as compensation to the claimants. It may be observed that the deceased at that time was drawing Rs. 475 per month and his age was about 25 years. It may, however, be mentioned that the claimants had claimed compensation only of Rs. 40,000/-.

2. The tribunal while calculating the amount of compensation held that the dependency of the claimants on the deceased was only to the tune of Rs. 150.00 and the balance of the salary was being spent by the deceased himself. He had applied multiplier of 16. Dissatisfied with the award of the Tribunal, claimants

have come up in appeal in this court.

3. After hearing the learned counsel for the parties, I am of the view that the learned tribunal erred in holding that the claimants dependency was only Rs. 150/- per month. Considering the status of the family, it can reasonably be held that the deceased was spending about Rs. 150/- himself and the balance on the claimants. Consequently dependency would come to Rs. 325/- per month. There is nothing wrong in applying multiplier of 16. If the dependency is calculated at Rs 325/- per month and multiplier of 16 is applied, compensation will be much more than Rs. 40,000/-. Since, the claim was only for Rs. 40,000/- the award of the Tribunal is modified to the extent that the claimant would be entitled to compensation of Rs. 40,000/-.

4. The appeal is consequently allowed to the extent that the claimants are held entitled to compensation of Rs 40,000/- They are further held entitled to interest at the rate of 9% per annum from the date of the award till the date of payment. Respondents are directed to pay the compensation to the claimants as observed above within three months from the receipt of this order after deducting the amount already paid, if any, failing which the amount awarded shall carry 12% interest from the date of the award till the date of the realisation. The amount will be apportioned in the same ratio as was done by the Tribunal between the two claimants-appellants i. e. mother will be entitled Rs. 10,000/- whereas widow would be entitled to remaining amount of Rs. 30,000/-. This will, however, be subject to the amount already paid.