

(1983) 10 P&H CK 0085
In the Punjab And Haryana At Chandigarh

Sowaran Kaur and Others

APPELLANT

Vs

Oriental Fire And General Insurance Co. Ltd. and Others

RESPONDENT

Date of Decision : 20-10-1983

Acts Referred:

Citation : (1983) 1 ACC 166 : (1984) ACJ 742

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

Bench : Single Bench

Judgement

S.S. Sodhi, J

1. This appeal concerns the amount payable as compensation to the legal representatives of Bachan Singh, deceased, a Patwari in the Revenue Department of Punjab, who was killed in the motor accident. The claimants here being Smt. Swaran Kaur, the widow of Bachan Singh, deceased and their three minor children besides Smt. Kartar Kaur, his widowed mother.

2. Bachan Singh died in an accident between a truck and the government jeep, in which he was travelling. This accident took place on May 18, 1975. On the finding that the accident had been caused due to the rash and negligent driving of the truck driver, a sum of Rs. 15,000/- was awarded as compensation to the claimants. It is the award of this sum which stands challenged in this appeal.

3. The principles governing the computation of the amount payable to the claimants on the death of the deceased are these as set out by the Full Bench in Lachhman Singh v. Gurmit Kaur 1979 P.L.R. 1, where it was held that the compensation to be assessed is the pecuniary loss caused to the dependants by the death of the deceased and for the purpose of calculating the just compensation, annual dependency of the dependants should be determined in terms of the annual loss accruing to them due to the abrupt termination of life. For this purpose annual earnings of the deceased at the time of the accident and the amount out of the same which he was spending for the maintenance of the dependants will be the determining factor. This basic figure will then be

multiplied by a suitable multiplier. It was further observed that the suitable multiplier shall be determined by taking into consideration the number of years of the dependency of the various dependants the number of years by which the life of the deceased was cut short and the various imponderable factors such as early natural death of the deceased, his becoming incapable of supporting the dependants due to illness or any other natural handicap or calamity, the prospects of the remarriage of the widow; the coming up of the age of dependants and their developing independent sources of income as well as the pecuniary, benefits which might accrue to the dependants on account of the death of the person concerned.

4. The evidence on record shows that Bachan Singh deceased was 37 years of age at the time of his death. He was employed as a Patwari and his total emoluments as such were Rs. 444/60 Ps. Considering his young age, it is reasonable to assume that his pay and allowances would have increased and he may even have been promoted to a higher rank. There are at the same time also the uncertainties of life to be kept in view and generally the factors as set out in Lachhman Singh's case (supra). Considering the totality of circumstances of the deceased in the context of the family which he had to support and their ages and condition in life, it would be fair and just to take the loss suffered by the claimants to be at the rate of Rs. 300/- per month. 16 would clearly be the appropriate multiplier to be adopted here. Compensation on this basis would work out to Rs. 57,600/- which may be rounded off at the figure of Rs. 58,000/-. This amount is hereby accordingly awarded as compensation to the claimants which they 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. Out of the amount awarded, a sum of Rs. 3000/- shall be payable as compensation to the widowed mother of the deceased and Rs. 9000/- each to the children of the deceased while the balance shall be paid to the widow Smt. Swaran Kaur. The amount payable to the minor claimants shall be paid to them in such manner as the Tribunal may deem to be in their best interest. The liability for the payment of the amount awarded shall be of all the respondents jointly and severally with no limitation on the liability of the respondent Insurance Company.

5. This appeal is consequently accepted to the extent indicated above with costs. Counsel's fee Rs. 300/-.