

(2013) 07 P&H CK 0405
In the Punjab And Haryana At Chandigarh
Case No : FAO No. 4131 of 2011

Suchiar Kaur and Another

APPELLANT

Vs

Manjit Singh and Others

RESPONDENT

Date of Decision : 22-07-2013

Acts Referred:

Motor Vehicles Act, 1988 — Section 166

Citation : (2013) 07 P&H CK 0405

Hon'ble Judges : Vijender Singh Malik, J

Bench : Single Bench

Advocate : Jagjit Gill, for the Appellant; S.P. Dhamija, Advocate, for the Respondent

Final Decision : Allowed

Judgement

Vijender Singh Malik, J.—This is an appeal brought by the claimants against the award dated 17.12.2010 passed by learned Motor Accidents Claims Tribunal, Sirsa (for short "the Tribunal"), vide which a claim petition brought on the death of Barjinder Singh by his parents u/s 166 of the Motor Vehicles Act, 1988 has been allowed awarding a sum of Rs. 2,70,000/- as compensation with interest @ 7.5% per annum. Barjinder Singh, who met with a road side accident on 21.02.2009, has been a 19 years old person, who was cultivating his joint land of about 5 acres. He also used to take land on contract basis for cultivation and used to sell milk. His monthly income was Rs. 10,000/- per month. The claimants are the parents of the deceased, who are unable to earn anything. They were fully dependent on the deceased.

2. The aforesaid averments of the claimants have been denied by the respondents.

3. Vide award dated 17.12.2010 learned Tribunal awarded a sum of Rs. 2,70,000 as compensation in favour of the claimants with interest @ 7.5% per annum.

4. Learned counsel for the appellants has contended that learned Tribunal has

taken the notional income of the deceased at Rs. 3000/- per month. According to him, learned Tribunal has ignored the evidence that the deceased was an agriculturist and was running a dairy. According to him, even learned Tribunal failed to take the income of the deceased at the minimum wages of an unskilled labourer.

5. Learned counsel for respondent No. 3 has submitted that learned Tribunal has been just and proper in assessing compensation in a sum of Rs. 2,70,000/-. According to him, no further upward revision in the amount of compensation is admissible in this case.

6. Barjinder Singh was of the age of 19 years. He had come of the earning age. He could work in the agricultural fields and even if he was taken as a labourer, his income should not have been taken below the amount fixed as minimum wages for unskilled labourer. In these circumstances, I do not find any ground not to take the income of the deceased at Rs. 3500/- per month.

7. Since the claimants are the parents of the deceased and the deceased had been an unmarried person, I take 50% of the monthly income of the deceased as monthly dependency of the claimants which comes to Rs. 1750/- per month. When it is multiplied with 12, the annual dependency of the claimants comes to Rs. 21,000/-. The claimants are of the age group of 42-43 years. In case of death in the age group of 41 to 45, the multiplier suggested by Smt. Sarla Verma and Others Vs. Delhi Transport Corporation and Another, is 14. Multiplying the annual dependency with 14, I find a sum of Rs. 2,94,000/- as the amount lost by the claimants in the death of their son Barjinder Singh. Adding to it, a sum of Rs. 18,000/- as allowed by the Tribunal under other conventional heads, I assess a sum of Rs. 3,12,000/- as compensation in favour of the claimants. In this view of the matter, the appeal succeeds and is allowed enhancing the compensation awarded by the Tribunal from Rs. 2,70,000/- to Rs. 3,12,000/- which shall be payable to the claimants with interest @ 7.5% per annum as well as in the proportion as given by the Tribunal.