(1993) 03 P&H CK 0060

In the Punjab And Haryana At Chandigarh

Sukhjinder Pal Singh Sandhu and Others APPELLANT

Vs

Nanak Chand and Others RESPONDENT

Date of Decision : 24-03-1993

Acts Referred:
Motor Vehicles Act, 1988 — Section 110A

Citation : (1994) 2 ACC 314

Hon'ble Judges : Amarjeet Chaudhary, J

Bench : Single Bench

Judgement

Amarjeet Chaudhary, J.—This appeal is directed against the award of the Motor Accident Claims Tribunal, Sonepat, dated 22.12.1984, who on a claim petition filed by the present appellants u/s 110-A of the Motor Vehicles Act, awarded Rs. 1,80,000/ as compensation.

2. Aggrieved against the said award of the Tribunal, the appellant-claimants have filed this appeal for enhancement of compensation.

In the claim petition, the claimants had claimed Rs. 10,00,000/- (Rs. Ten lacs) as compensation.

3. The case of the claimants was that Bhupinder Kaur deceased was employed as a Teacher in USA at a salary of Rs. 1,85,000/- per annum in terms of Indian currency and was expected to live at least upto the age of 90 years due to the history of longevity in the family. It was also stated that the deceased was contributing her entire income to the benefit of the claimants and her sudden death has caused a serve blow and setback to the family due to which their hopes in future have been shattered to smithereens. It was also claimed that the claimants have been deprived of the love, affection and society of their mother/ wife and they suffered untold agony and suffering due to her sudden death which cannot be evaluated in terms of money.

4. I have perused the entire paper book.

5. In this case the death of Bhupinder Kaur as a result of road accident on 21.6.1981 is not is dispute. The Tribunal had awarded a sum of Rs. 1,80,000/- as compensation to the claimant-appellants. This figure was arrived at by the Tribunal taking into consideration the salary of the deceased. It was observed by the Tribunal that had the deceased been employed in India as a Teacher, she would have earned Rs. 2,000/-per month as her salary. No document was produced by the claimants in proof of the age of the deceased. It was further observed by the Tribunal that she was not employed as a regular Teacher. Taking this fact into consideration, the Tribunal held that the deceased would have remained in employment for another 10 years or so. Keeping in view the monthly income of the deceased, i.e. Rs. 2,000/- the annual dependency after deducting 1/4th of her income spent by her for her own unkeep and maintenance, was assessed by the Tribunal at Rs. 18,000/-. By applying a multiplier of 10, the Tribunal had awarded a sum of Rs. 1,80,000.

6. So far as the dependency of the deceased is concerned, I am of the considered view that it was correctly assessed by the Tribunal but taking into consideration the facts and circumstances of the case as well as the age of the deceased who was 36 years at the time of her death, appropriate multiplier was not applied and the Tribunal should have applied a multiplier of 15. By applying this multiplier, the claimants-appellants would be entitled to a total sum of Rs. 2,70,000/- as compensation with 12% interest from the date of claim petition. I order accordingly. However, it is made clear that the compensation already awarded by the Tribunal is to be deducted from Rs. 2,70,000/-.

The appeal is allowed to the extent indicated above. No order as to costs.

