
(1996) 10 P&H CK 0036

In the Punjab And Haryana At Chandigarh

Case No : First Appeal from Order No. 1019 of 1996

Sukhwinder Kaur and Others

APPELLANT

Vs

Amir Singh and Others

RESPONDENT

Date of Decision : 31-10-1996

Acts Referred:

Motor Vehicles Act, 1988 — Section 166

Citation : (1997) ACJ 774 : (1997) 115 PLR 127 : (1997) 2 RCR(Civil) 194

Hon'ble Judges : N.C. Jain, J;Iqbal Singh, J

Bench : Division Bench

Advocate : Amit Rawal, for the Appellant; S.S. Aulakh, for the Respondent

Judgement

N.C. Jain and Iqbal Singh, JJ.—The question involved being short one, the appeal is being disposed of at the stage of motion hearing.

2. The appellants-claimants by way of filing a petition u/s 166 of the Motor Vehicles Act, claimed a sum of Rs. 8 lacs by way of compensation for the death of Randhir Singh, husband of appellant No. 1 and father of appellant No. 2. The appellants have been granted compensation in the sum of Rs. 1,50,000/-. The finding of negligence has become final and even otherwise the same is borne out from the evidence brought on the record of the case. The only question which remains to be decided is whether the Tribunal has granted reasonable and just compensation and if not whether the same deserves to be enhanced or not? After reading the findings recorded by the Tribunal and after hearing the learned counsel for the parties, we are of the view that the compensation amount needs enhancement of Rs. 66,000/-.

3. It has been found by the Tribunal that the deceased was of the age of 33 years. The dependency of the claimants has been held to be 2/3rd. The income of the deceased was found at Rs. 1,500/- per month. The Tribunal has given multiplier of 15. In view of the age of the deceased, we are of the view that the multiplier in the present case should be 18. If the income of the deceased was

Rs. 18,000/- per year which has been so found and once the dependency of the claimants has been held to be 2/3rd, the compensation amount comes to Rs. 2,16,000/- after giving a multiplier of 18.

4. As a consequence of the discussion above, we hereby determine the compensation amount to the tune of Rs. 2,16,000/-. All the respondents are jointly and severally liable to pay the aforesaid amount. The claimants would also be entitled to interest at the rate of 12 p.a. from the date of filing the petition till realisation on the aforesaid amount. Appellant Nos. 1 and 2 would be entitled to share the amount of compensation in the ratio of 50-50. The share of appellant No. 2 would be deposited in the fixed deposit in a nationalised bank which she would be entitled to get on attaining majority. The appellants would also have the costs of the appeal which we quantify at Rs. 2000/-.