

(1997) 05 P&H CK 0009

High Court Of Punjab And Haryana At Chandigarh

Case No: First Appeal From Order No. 585 of 1989 and Cross Objection No. 101-C-II of 1989

Pepsu Road Transport
Corporation

APPELLANT

Vs

Smt. Arjuna and Others

RESPONDENT

Date of Decision: May 30, 1997

Acts Referred:

- Motor Vehicles Act, 1988 - Section 166

Citation: (1998) 119 PLR 310

Hon'ble Judges: V.K. Bali, J

Bench: Single Bench

Advocate: Gurcharan Dass, for the Appellant; Baljinder Singh, for the Respondent

Judgement

V.K. Bali, J.

This appeal has been preferred by the Pepsu Road Transport Corporation against the award dated February 4, 1989 passed by the Motor Accident Claims Tribunal, Ludhiana. Obviously, prayer in the appeal is to set aside the order passed by the Tribunal whereby the widow, three minor children and widowed mother of the deceased Hans Raj were awarded compensation to the tune of Rs. 2,72,000/- in the proportion as mentioned by the Tribunal by the Tribunal in para 28 of the judgment.

2. There is no need at all to give detailed facts even though in the present appeal findings on issue regarding-negligence have also been challenged. In same accident whereas two persons died, the third suffered injuries. Consequently, three claim petitions were filed before the Motor Accident Claims Tribunal and which were concededly disposed of by a common order. With regard to two other matters i.e. one of death and other of injuries, no appeal has been filed by P.R.T.C. The findings recorded in the claim petitions giving rise to the common award pertaining to the negligence have, thus, attained finality.

3. Mr. Baljinder Singh, learned counsel for the appellant, however, contends that the compensation worked out by the Tribunal is on the higher side. It may be mentioned here at this stage that the claimants have filed cross-objections No. 101-CII of 1989 and have asked for further enhancement of the compensation.

4. After hearing learned counsel for the parties and going through the records of the case, this court is of the view that insofar as appeal preferred by the P.R.T.C. is concerned, the same deserves to be dismissed. Insofar as cross-objections are concerned, there is some scope for further increasing the compensation. Hans Raj was 42 years of age when he died. He left behind his widow, two minor sons one minor daughter and a widowed mother. He was a commission agent dealing in automobiles. On the evidence that has been recorded on the issue under discussion, MACT returned a firm finding of fact, which finding has since not been challenged by either of the parties, that Hans Raj was earning Rs. 2100/- per month at the time of his death. While working out the dependency of the claimants, the Tribunal slashed an amount by Rs. 700/- which the tribunal observed must have been spent by Hans Raj on himself. By giving a multiplier of 16, the compensation of Rs. 2,72,000/- was fixed by the Tribunal. I have already held in *Kasturi Devi v. State of Haryana*, (FAO No. 1092 of 1989) that a salaried man and in particular, if he has a wife and two/three children to support, cannot possibly spend 1/3rd of his total emoluments on himself and at the most an amount of Rs. 400/- in the present case, could be slashed from the income of Hans Raj so as to work out the dependency of the claimants. Multiplier of 16 appears to be just and proper in this case. During the course of arguments, Mr. Baljinder Singh, in his usual fairness as also on account of the telling facts of this case, Could not say that the compensation, as thought over by this court, would be in any way excessive. The claimants are, thus, held entitled to an amount of Rs. 3,26,400/- ($1700 \times 12 \times 16 = 3,26,400/-$). The claimants shall also be entitled to interest @ 12% per annum from the date of claim application. The claimant-wife shall also be entitled to Rs. 10,000/- as consortium, as has been held by the Supreme Court in [U.P. State Road Transport Corporation and Others Vs. Trilok Chandra and Others](#), . No costs.