

(1992) 01 P&H CK 0012

High Court Of Punjab And Haryana At Chandigarh

Case No: None

Ullas and Another

APPELLANT

Vs

Rajinder Singh and Others

RESPONDENT

Date of Decision: Jan. 29, 1992

Citation: (1994) 1 ACC 336

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

Bench: Single Bench

Judgement

V.K. Jhanji, J.

The award was given by Mr. P.L. Goyal, Motor Accidents Claims Tribunal, Karnal, whereby the claim petition filed by the appellants was allowed and they were held entitled to a sum of Rs. 2,49,600/- by way of compensation. The appellants were further held entitled to interest at the rate of 12 per cent per annum with effect from the date of filing the petition till the final payment. Out of the amount of compensation, a sum of Rs. 49,600/- was ordered to be deposited in the name of Master Ullas (appellant No. 1 herein) and the balance amount of Rs. 2,00,000/- along with proportionate interest was ordered to be paid to the widow, Sushma Unni Krishnan. This award is being impugned by the appellants by way of present appeal, solely on the ground that the compensation awarded by the Motor Accidents Claims Tribunal is inadequate.

2. It is not disputed before me by the learned Counsel for the parties that the deceased at the time of accident was only 30 years of age. At the time of accident, he was employed in the organisation, Enfield India Limited, as Depot Incharge, Marketing Division at Karnal, and was drawing a salary of Rs. 1,925.16. He left behind the appellants, widow and a minor son. The Motor Accidents Claims Tribunal found that out of the salary, the deceased must have been spending Rs. 625/- per month on himself, and, therefore, dependency of the appellants was determined at Rs. 1,300/- per month. After applying a multiplier of 16, a sum of Rs. 2,49,600/- along with interest at the rate of 12 per cent per annum was awarded.

3. Learned Counsel for the appellants has referred to some decisions on the subject where multiplier of more than 20 was applied. In Jyotsna Dey v. State of Assam 1987 ACJ 172 : 1987 ACC 173 (SC), where the age of the deceased was 45 years a multiplier of 25 was applied, but 20 per cent deduction was made on account of lumpsum payment; in Kiran Wati and Others Vs. Hari Singh and Others, where the deceased was 29/30 years of age, multiplier of 20 was applied and in Urmila Devi and Others Vs. Baljit Singh and Others, where the deceased was 39 years of age, multiplier of 20 was applied.

4. As already stated above in the present case, the deceased was 30 years of age and apart from widow, he left behind a minor son. Therefore, considering that the deceased at the time of his death was 30 years of age, a multiplier of 20 is just and proper, thus, the order of Motor Accidents Claims Tribunal is required to be modified to this extent. Applying the same to the dependency of the appellants at the rate of Rs. 1,300/- per month, it would come to Rs. 3,12,000/- (Rs. 1,300 x 12 x 20). the appellants shall be entitled to interest at the rate of 15 per cent per annum, with effect from the date of filing the claim petition till the realisation of the amount.

5. For the reasons recorded above, the appeal is allowed with costs, which are assessed at Rs. 1,000/- and the order of the Motor Accidents Claims Tribunal is modified to the extent indicated above. The appellants shall be entitled to a total sum of Rs. 3,12,000/- as compensation, to be paid by the respondents jointly and severally along with interest at the rate of 15 per cent per annum with effect from the date of filing the claim petition till realisation of the amount. Out of this amount, a sum of Rs. 1,12,000/- with proportionate costs shall be deposited in the name of appellant No. 1 (minor) Master Ullas, in some nationalised bank in fixed deposit carrying interest, and the same shall be allowed to be withdrawn on his attaining majority. The remaining amount of Rs. 2,00,000/- along with proportionate costs shall be given to the appellant No. 2, Sushma Unni Krishnan.