

(1994) 07 P&H CK 0006

High Court Of Punjab And Haryana At Chandigarh

Case No: Letter Patent Appeal No. 1075 of 1984

The New India Assurance Co.
Ltd. and Another

APPELLANT

Vs

Smt. Amini George and Others

RESPONDENT

Date of Decision: July 21, 1994

Acts Referred:

- Motor Vehicles Act, 1939 - Section 110A , 110CC

Citation: (1995) ACJ 883 : (1994) 108 PLR 379

Hon'ble Judges: M.S. Liberhan, Acting C.J.; V.K. Bali, J

Bench: Division Bench

Advocate: L.M. Suri and R.M. Suri, for the Appellant; Nemo, for the Respondent

Final Decision: Dismissed

Judgement

M.S. Liberhan, A.C.J.

Learned counsel for the appellant contends that since no prayer for payment of interest was made either in the claim petition or in the grounds of appeal before the appellate Authority, relief of interest could not be granted. The second submission of the learned counsel for the appellant is that since the deceased was not earning anything as he was student of B.Sc. first year, claimants were not entitled to any compensation.

2. In our considered view, the Court can always mould the relief in the facts and circumstances of a particular case. Even otherwise interest is an ancillary relief to be given while awarding compensation. Thus, we find no force in the first contention of the learned counsel.

3. The second contention of learned counsel that since the deceased was earning nothing at the time, of his death as he was a student, claimants were not entitled to any compensation, has also no force. In ordinary course his minimum income can well be determined at the rates approved by the Government for daily wagers, who

are totally illiterate. Thus, in the facts and circumstances of the present case, compensation of Rs.50,000/- cannot be said to be on the higher side. It is rather just a consolation.

4. For the reasons recorded above, this appeal fails and is hereby dismissed. Nor orders as to costs.