
(2000) 10 P&H CK 0031

High Court Of Punjab And Haryana At Chandigarh

Case No: First Appeal from the Order No. 100 of 1987 (O and M)

Bharto

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision: Oct. 6, 2000

Acts Referred:

- Motor Vehicles Act, 1988 - Section 166

Citation: (2001) 2 RCR(Civil) 565

Hon'ble Judges: R.L. Anand, J

Bench: Single Bench

Advocate: Mr. S.K. Lamba, for the Appellant; Mr. Yash Pal, A.A.G., Haryana, for the Respondent

Judgement

R.L. Anand, J.

By this order I disposes of two FAOs No. 100 of 1987 titled Bharto v. State of Haryana and others and 101 of 1987 titled Ram Kishan and others v. State of Haryana and others as both these appeals arise out of one award.

2. The objections filed by the State of Haryana are allowed to be placed on record.

3. With the assistance rendered by the learned counsel for the parties I have gone through the impugned award vide which the Tribunal has awarded a sum of Rs. 9,000/- each to Smt. Bharto and Ram Kishan by way of compensation against the respondents along-with interest @ 12% per annum from the date of the filing of the petition.

4. Smt. Bharto claimed compensation to the tune of Rs. 40,000/- on account of the death of her son Ranbir Singh and similarly Ram Kishan and his minor sons namely Shamsheer Singh and Tej Singh claimed compensation to the tune of Rs. 40,000/- on account of the death of aforesaid Ranbir Singh. The Tribunal awarded a sum of Rs. 9,000/- each to Smt. Bharto and Ram Kishan. They were not satisfied with the award of the Tribunal, hence they have filed two separate appeals. The matter went to the Lok Adalat which

recommended Rs. 48,000/- by way of compensation. In addition to that the Lok Adalat also proposed to pay a sum of Rs. 5,000/- by way of funeral expenses.

5. The discussion of the Tribunal when it awarded Rs. 9,000/- each of the appellant is contained in paras 13 and 14 of the award, which is reproduced as under :-

"13. Petitioner Ram Kishan as PW6 and Bharto (PW8) have stated that Ranbir Singh was unmarried. If that is so then it follows that after some period Ranbir Singh would have got himself married and had his own family and accordingly in that eventuality his contribution to his parents would have considerably decreased. In this connection reference may be made to an authority of our Hon"ble High Court reported as [Jagat Singh and Others Vs. Joginder Singh Amrik Singh and Others](#), . In this authority at the time of the death the deceased was only 22 years of age and age of his parents was about 50 years at that time and the salary of the deceased was 350/- per month plus Rs. 6/- per day as daily allowance. On these facts in para No. 4 at page 146 of the report it was held as under :-

"Compensation payable here is governed by the principles as set out by the Full Bench in Lachhman Singh v. Gurmit Kaur 1979(81) P.L.R. Keeping in view the relevant factors as mentioned therein it would be reasonable to assume that if the deceased had lived he would within a couple of years have got married and thereafter had a family to support. This is relevant for considering the amount that the deceased would have been able to spare for his parents. In the totality of the circumstances of the deceased and the claimants it would be reasonable to assume that the loss to the parents here was to the tune of Rs. 150/- per month. Taking 15 to be the multiplier, the amount payable to them as compensation would work out to Rs. 27,000/-."

14. This authority fully applies to the facts of the case in hand. As stated above at the time of his death Ranbir Singh was aged about 20 years and his monthly salary was Rs. 716.20. Therefore, after following the above cited authority and taking into consideration the fact that in this case the income of the deceased was Rs. 716.20 it would be reasonable to assume that the loss to the parents was to the tune of Rs. 200/- per month. Both Ram Kishan (PW6) and Bharto (PW8) have given their ages as 50 years. Therefore, taking 15 to be the multiplier the amount of compensation works out to Rs. 36,000/-. However, as held under issue No. 1 Ranbir Singh was also negligent in driving his bus, out of this amount 50% is to be reduced towards his contributory negligence. Therefore, it is held that petitioners Ram Kishan and Bharto are entitled to claim in all Rs. 18,000/- i.e. Rs. 9,000/- each as compensation. As other petitioners Shamsher Singh and Tej Singh were brothers of Ranbir Singh, it is held that they will not get anything out of this compensation."

6. In the view of this Court the decision of the Tribunal is partly correct. It is proved on the record that Ranbir Singh deceased was a young boy of 20 years. He was unmarried and his monthly salary was Rs. 716.20. The Tribunal rightly came to the conclusion that after some period Ranbir Singh would have got married himself and in that eventuality he

would have his own family and in these circumstances the dependency of the appellants might have been decreased. The Tribunal rightly held that the dependency of the appellants was Rs. 200/- per month out of Rs. 716.20. Smt. Bharto, mother of the deceased, gave her age as 50 years. Ram Kishan might be older to Bharto by few years. Keeping in view the age of the deceased as well as the age of his parents, the multiplier of 20 ought to have been applied in this case. Thus the amount of compensation comes to Rs. 48,000/- only. If this amount is divided in two equal shares between Smt. Bharto and Ram Kishan, each one of them gets Rs. 24,000/-.

7. Resultantly, the award dated 25.9.1986 passed by the Tribunal is hereby modified and Smt. Bharto and her husband Ram Kishan are awarded Rs. 24.000/- each by way of compensation along with interest @ 12% per annum w.e.f, the date of the filing of the petition i.e. 29.1.1985. The amount of compensation as awarded by this Court shall be paid by the respondents jointly and severally within three months from the receipt of the copy of this order.

8. Order accordingly.