

(1989) 12 P&H CK 0010

High Court Of Punjab And Haryana At Chandigarh

Case No: F.A.O. No. 201 of 1985

Jasbir Kaur and Others

APPELLANT

Vs

Jaswant Singh and Others

RESPONDENT

Date of Decision: Dec. 11, 1989

Citation: (1990) 1 ACC 382 : (1990) ACJ 772

Hon'ble Judges: Amarjeet Chaudhary, J

Bench: Single Bench

Final Decision: Allowed

Judgement

Amarjeet Chaudhary, J.

This appeal is directed against the award of the Motor Accidents Claims Tribunal, Ferozepur (for short "the Tribunal"), dated 4.12.1984 granting compensation to the claimants to the tune of Rs. 1,15,200/-. The award has been challenged on the ground that as per documentary evidence, Sukhdev Singh, at the time of the fatal accident, was drawing Rs. 1,004.70 as his monthly salary. The Tribunal, contrary to the evidence, has wrongly held by saying that the deceased was spending more than Rs. 400/-p.m. on himself. The brief facts leading to the filing of this appeal are that Sukhdev Singh (deceased), who was a police Head Constable, was killed in a road accident on 8.3.1983. The heirs of the deceased filed claim application in the Tribunal, claiming Rs. 2,50,000/- as compensation on account of his death. The Tribunal returned a finding that Sukhdev Singh died due to the rash and negligent driving by Jaswant Singh, respondent No. 1. The Tribunal awarded Rs. 1,15,200/-by applying a multiplier of 16. It also held that the deceased was getting Rs. 1,004.70 p.m. as his salary out of which he must have been spending 1/3rd on himself and Rs. 600/- p.m. on the maintenance of his dependants. Not even a suggestion was put to Jasbir Kaur, PW 4, in her cross-examination that her deceased husband was not spending such an amount on the maintenance of his family members. In the absence of evidence to the contrary, I am of the view that the deceased must have been spending Rs. 800/- p.m. on the maintenance of his dependants and as such,

applying the multiplier of 16, the compensation comes to about Rs. 1,53,600/- to which the claimants are entitled in all.

2. The claimants shall also be entitled to 12 per cent interest from the date of filing of the application. The appeal is allowed with costs in the above terms. Counsel's fee is assessed at Rs. 500/-.