

Smt. Ravinder and Others Vs Sher Singh and Another

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: Sept. 8, 1989

Acts Referred: Motor Vehicles Act, 1939 " Section 110A

Citation: (1990) 97 PLR 96

Hon'ble Judges: S.S. Sodhi, J

Bench: Single Bench

Advocate: Maharaj Bakhsh Singh, for the Appellant; L.M. Suri and Ravinder Arora, for the Respondent

Final Decision: Allowed

Judgement

S.S. Sodhi, J.

The claim in appeal here is for enhanced compensation. The claimants being the widow, and two minor daughters of

Surinderjit Singh deceased, who was killed when his scooter was involved in an accident with the truck HRL- 1280 coming from the opposite

direction. This happened at about 2.30 P. M. on August 20, 1983 on the Ambala-Jagadhri Road. It was the finding of the Tribunal that the

accident had been caused entirely due to the rash and negligent driving of the truck driver. A sum of Rs. 40,000/- was awarded as compensation

to the claimants.

2. A reference to the evidence on record would show that Surinderjit Singh deceased was aged 32 years of age at the time of his death and he

died leaving behind his 30 years old widow Ravinder Kaur and their two minor daughters-Jasbir Kaur and Balbir Kaur, who were all wholly

dependant on him.

3. According to the testimony of the widow P.W. 2 Ravinder Kaur and P.W.3 Giani Harbans Singh, the father of the deceased, Surinderjit Singh

was running a soap factory and two grinding machines and his income was Rs. 1200/-per month. Both these witnesses admitted in cross-

examination, however, that Surinderjit Singh had not been paying any Income Tax or sales tax. No accounts or other corroborative evidence with

regard to the income of the deceased is forthcoming This being so, no exception can be taken to the Tribunal assessing the income of the deceased

to be Rs. 500/- per month.

4. The compensation payable in such cases has to be determined as per the principles laid down by the Full Bench in *Lachhman Singh v. Gurmit*

Kaur (1979) 81 P. L. R. 1. Keeping these in view, in the context of the situation and circumstances of the claimants and the deceased, it would be

fair and just to assess the dependency at Rs. 5,000/- per annum with a multiplier of "16". So computed, the compensation payable to the claimants

would work out to Rs. 80,000/-.

5. It may be clarified here that though the income of the deceased has been assessed at Rs. 500/-, the uncertainties of business which have to be

taken into account, imply not only losses, but also prospects of enhanced earnings. The deceased would, at any rate, be expected to earn enough

to provide for the maintenance of his family at the standard they were used to. The other point to note is that in the expenses of the house-hold,

there are certain fixed expenditures which do not really get affected by the addition of a member to the family or any member leaving it, for

instance, house-rent water and electricity charges and even to some extent food. It is in this context /that the dependency here has been assessed

at Rs. 5,000/- per annum.

6. Compensation payable to the claimants is accordingly hereby enhanced to Rs. 80,000/- which they shall be entitled to along with interest at the

rate of 12 per cent per annum from the date of the application to the date of the payment of the amount awarded. Out of the amount awarded, a

sum of Rs. 15,000/- each shall be payable to the daughters of the deceased and the balance to the widow. The amount payable to the minor

claimants shall be paid to them in such manner as the Tribunal may deem to be in their best interest.

7. All the respondents, including the respondent-Insurance Company shall be jointly and severally liable for the amount awarded. It may be

mentioned here that the counsel for the respondent-Insurance Company was unable to show that the liability of the Insurance Company did not

extend to the entire amount awarded.

8. This appeal is consequently hereby accepted with costs. Counsel fee Rs. 500/-.