

Manjit Kaur Vs Bhajan Singh

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: March 27, 2014

Citation: (2014) 4 RCR(Civil) 40

Hon'ble Judges: Jitendra Chauhan, J

Bench: Single Bench

Advocate: Vinay Saini for G.K. Chawla, Advocate for the Appellant; Shailender Sharma, Advocate for the Respondent

Final Decision: Allowed

Judgement

Jitendra Chauhan, J.

The present appeal has been filed by the parents-Claimants/appellants, seeking enhancement of the compensation

awarded by the learned Motor Accident Claims Tribunal, Ropar (for short "the Tribunal"), vide award dated 13.09.1999, on account of the death

of Manjit Singh, son of the appellant, in a motor vehicular accident, which took place on 07.09.1996. Two separate claim petitions were filed one

by the widow and another by the parents for claiming compensation before the Motor Accident Claims Tribunal, Ropar. The Tribunal has

awarded total compensation of Rs. 2,00,000/- to the three claimants, Rs. 1,50,000/- was awarded to the widow and Rs. 25,000/- each was

awarded to the parents of the deceased.

2. Feeling aggrieved against the impugned award, this appeal is filed by the parents.

3. The case was listed before the Lok Adalat of this Court on 04.07.2001. After hearing the contentions of both the parties, the learned Lok

Adalat agreed with the contention of the appellants-claimants that the deceased was an agriculturist and not an agricultural labourer. It has further

assumed the earning capacity of the deceased at Rs. 2,000/- per month. The Ld. Lok Adalat was also gracious to adopt multiplier of 18 instead of

16 as adopted by the Motor Accident Claims Tribunal in this case and proposed to enhance the amount of compensation from Rs. 2,00,000/- to

Rs. 2,80,000/-. However, the Lok Adalat proposed to enhance the compensation in respect of appellants-parents by only Rs. 20,000/- i.e. Rs.

10,000/- to each.

4. Learned counsel for the appellants further submits that the widow of the deceased has since remarried and is living separately in her new

matrimonial house. The widow has not filed any appeal for enhancement of the compensation against the impugned award passed by the MACT.

The amount of compensation of Rs. 70,000/- awarded to the parents is too meager and deserves to be enhanced. He also pleaded that there is no

provision either in the Act or under the Rules regarding proportion in which the compensation awarded is to be distributed between the widow and

the parents.

5. He lastly argued that the learned Tribunal has wrongly applied a multiplier of 16, which should be 17 as per the law laid down in Smt. Sarla

Verma and Others Vs. Delhi Transport Corporation and Another, He further submits that nothing has been awarded towards future prospects,

loss of love and affection to the mother whereas the amount awarded towards funeral expenses is also inadequate.

6. On the other hand, the learned counsel for the respondent-Insurance Company has vehemently argued that the amount of compensation

awarded by the learned Tribunal is just and appropriate and does not call for any interference.

7. I have heard the learned counsel for the parties and perused the record carefully.

8. From the perusal of the record, it is made out that deceased, Manjit Singh, was 28 years of age at the time of his death. The learned Tribunal

has applied a multiplier of 16, which should be 17 as per the law laid down in Smt. Sarla Verma and Others Vs. Delhi Transport Corporation and

Another, It is ordered accordingly.

9. There is no dispute with regard to the death of Manjit Singh, in a road accident. The deceased was an agriculturist and was also doing the

business of diary farming. In the absence of any documentary evidence, the dependency of the deceased was assessed at Rs. 1,000/- per month.

Untimely death was a great shock to his family. He left behind his old age parents. Keeping in view, the judgment rendered by the Hon"ble Apex

Court, in Rajesh and Others Vs. Rajbir Singh and Others, , in case of self employed or a person with fixed wages, there must be an addition to the

actual income of the deceased while computing future prospects. In the instant case, the deceased was 28 years of age and earning Rs. 1,000/-

per month. Therefore, a notional addition of 50% (Rs. 500/-) on account of future prospects is made and the monthly income of the deceased

would come to Rs. 1,500/- per month.

10. If the above considerations are taken into account, the compensation towards dependency would come to Rs. 1,500/- X 12 X 17 X 1/3 = Rs.

2,04000/-. The Tribunal has already awarded compensation amounting to Rs. 1,92,000/-. Thus, the balance amount would come to Rs. 12,000/-.

11. It has further observed that the Tribunal has awarded Rs. 3,000/- towards funeral expenses, which is on the lower side and nothing has been

awarded towards loss of love and affection. Keeping in view of the judgment rendered by the Hon"ble Supreme Court in Vimal Kanwar and

Others Vs. Kishore Dan and Others, Recent Apex Judgments (R.A.J.) 446 : Vimal Kanwar and Others Vs. Kishore Dan and Others, this Court

feels that the amount of compensation awarded under the aforesaid heads are enhanced to Rs. 1,00,000/- towards loss of love and affection

payable to the mother, if she is alive, payable on furnishing an affidavit and another Rs. 5,000/- towards funeral expenses respectively.

12. In view of the above, the claimants-appellants are entitled to the enhanced compensation of Rs. 1,17,000/- [Rs. 12,000/-(loss of

dependency) + Rs. 1,05,000/- (under conventional heads)], over and above, the amount already awarded by the learned Tribunal, which shall be

payable to the claimants-appellants, in the manner indicated in the impugned award, within a period of 45 days from the date of the receipt of the

certified copy of this judgment, failing which, the appellants shall also be entitled to get interest @ 7.5% per annum from the date of the filing of the

appeal, till its realization. With the aforesaid modification in the impugned award, the present appeal is partly allowed.