**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**FAO No.2487 of 2000
Date of Decision: January 15, 2015**

Chanderpati and others ...Appellants

Versus

Chain Lal and others ...Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Gobind Dhanda, Advocate
for the appellant.

Mr. Ravinder Arora, Advocate
for Insurance Company.

FATEH DEEP SINGH, J.

The appellants are the claimants, who have sought to impugned award dated 17.1.2000 of the learned Motor Accidents Claims Tribunal, Jind.

Heard learned counsel for the parties. Since the original record stands destroyed in the fire that engulfed the record room, however, whatever appreciation could be undertaken from the remnants reflects that on 3.8.1996 around 5 30 p.m. Dilbagh Singh deceased was going along with his livestock when offending tanker No.JK-02E/8377 being driven rashly and negligently by its driver Chain Lal-respondent mowed down the deceased. Undisputedly, the findings on issue No.1 which have gone against the driver of the offending tanker have not been assailed off till date. In the light of the submissions, irrefutably the deceased was husband of the claimant-Chanderpati and father of minor son Satish and daughter Reena, who was aged around 23-24 years and as per the conclusions drawn by the learned Tribunal avocation of deceased has been taken to be of a labourer with earning of ₹15,000/- per annum and as has been argued on behalf of the appellants the learned Tribunal had deducted 1/3rd of being the expenses incurred on his own upkeep and maintenance. It is hotly debated on behalf of the appellants that even the notified wages of a daily wager at the time of accident was ₹1800/- per month which could not be refuted on behalf of the respondent and thus needs to be accepted and in view of the law laid down in ***New India Assurance Company Limited vs. Gopali and others 2012 Vol III RCR (Civil) 818*** and keeping in view the numbers of dependants and the socio-economic status of the deceased learned Tribunal has wrongly deducted 1/3rd of the earrings and rather it ought to be 1/4th and, therefore, in all likelihood must be contributing ₹1350/- per month which comes to ₹16,200/- per annum Keeping in view the age of the deceased, the learned Tribunal applied multiplier of 17 when in view of the law laid down in ***Smt. Sarla Verma and others vs. Delhi Transport Corporation and another 2009 (3) RCR (Civil) 77*** it ought to be 18 and, on applying the same, compensation comes to ₹2,91,600/-. Besides this, the family must have spent money on the last rites and ceremonies of the deceased, a wife has lost her husband, minor children their father, a source of love and affection as well as protection. Though, not much evidence is available and in the light of the arguments of the two sides learned

Tribunal had given a pittance on this score and by some amount of guess work and hypothetical calculations keeping in view the welfare nature of the Statute a sum of ₹2,00,000/- is awarded under these conventional heads. Therefore, the total compensation comes to ₹4,91,600/- (Four lacs ninety one thousand and six hundred).

The compensation awarded by the learned Tribunal is certainly on the lower side, therefore, needs to be enhanced. The claimants are entitled to interest @ 7.5% on the enhanced amount from the date of filing of the appeal till realisation.

Interim compensation paid, if any, shall be adjusted. If any of the minor claimant has attained majority his/her share shall not be resorted by way of FDR.

Rest of the stipulations need not be disturbed.

Thus, impugned award is modified and instant appeal stands allowed in those terms.

(FATEH DEEP SINGH)
JUDGE

January 15, 2015
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