

Vidya Devi and ors. Vs. Surinder Kumar and ors.

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Court : Delhi

Decided On : Jul-23-1990

Reported in : 1991ACJ394; 42(1990)DLT327

Judge : Mahesh Chandra, J.

Acts : [Motor Vehicles Act, 1939](#) - Sections 110

Appeal No. : First Appeal No. 70 of 1980

Appellant : Vidya Devi and ors.

Respondent : Surinder Kumar and ors.

Advocate for Pet/Ap. : O.P. Goyal and; V.P. Chaudhary, Advs

Judgement :

Mahesh Chandra, J.

(1) The appellants are heirs of one Shri Hukam Singh who had died in a motor accident at the hands of offending car bearing No. Dlk 1744 driven by respondent No. 1 and owned by respondent No. 2 and insured by respondent No. 3 and have come in appeal for enhancement of the amount of compensation granted by the Motor Accident Claims Tribunal vide its order dated 19th October, 1979. I have heard the learned counsel for the parties and have gone through the lower court file. The finding of me learned Tribunal that the accident had arisen due to rash

and negligent driving by respondent No. 1 of Car No. DLK 1744 of respondent No. 2 and insured by respondent No. 3 is not challenged before me by the learned counsel for the respondent and rightly so. Even otherwise the respondents have not come up in cross-appeal.

(2) Shri O P. Goyal, learned counsellor the appellant has challenged the award only on the question of compensation. The initial claim was Rs. 5 lacs and the amount awarded was Rs. 17,300.00. It cannot be disputed that the amount is much too low considering the evidence which has come on record. Even assuming that multiplier of 15 was correct even then it would fall short of the real amount of compensation. It would be difficult to accept that the finding of the learned Tribunal in fixing the value of services of deceased at Rs. 300.00 can be accepted as correct more so, when out of this Rs. 300.00 only Rs. 150.00 was treated for contribution for maintenance of the family members and dependents. Considering the statements of Chand Kaur and Vidya Devi and that of Public Witness . 4 Chandgi Ram and Public Witness . 5 Jaggi it would be difficult to accept this finding of the learned Tribunal. The deceased was cultivating 14 acres of his land and another 14 acres of land belonging to his brother. May be that the statement of Chand Kaur and Vidya Devi that appellants deceased used to contribute Rs. 1500.00 to Rs. 2000.00 for the upkeep of the family is exaggerated. But considering the ownership of 14 acres of land by the deceased it would be difficult to accept that the deceased would be contributing anything less than Rs. 600.00 per month towards the maintenance of his family granting all allowances for upkeep of the bullock for running the fields and other connected expenses and further keeping in view that the land is situated in District Rohtak (Haryana). The finding of the learned Tribunal on this aspect cannot be maintained. It appears that the learned Tribunal has fallen into error. Considering the date of accident it cannot but be accepted that even the income of the ordinary labour during those days was around Rs. 400.00 per month. As against this the deceased was agriculturist, was owner of 14 acres of land was having other subsidiary of breeding of cattles etc. I fix the value of his services at Rs. 600.00 per mensem and taking it at that figure it is reasonable just and proper considering the living of our agriculturists families that the deceased was contributing at least Rs. 500.00 per mensem towards the dependents and upkeep of the family and I hold

accordingly.

(3) Coming to the question of multiplier the Tribunal has applied a multiplier of 15 on the ground that at the time of the accident the deceased was 35 years old and would have lived for 30 more years at best. I am informed that Smt. Chand Kaur, mother of the deceased is still alive and is more than 75 years of age. Granting the uncertainties of life, it cannot be accepted that the deceased would not have lived up to the age of 70 years that means that he had another 35 years to live. Considering this, a multiplier of 16 shall be the minimum which shall be put in the instant case and I hold that 16 years would be the appropriate multiplier that would satisfy the interest of justice in this case.

(4) Taking as contribution of deceased by Rs. 500.00 it comes to Rs. 6000.00 per mensem and when multiplied by 16 it would work out to Rs. 96,000.00 . I do not think the deductions which have been allowed by the learned Tribunal would be admissible particularly when we fix the longevity of the deceased at 70 years and consequently the same are disallowed. Accordingly I allow this appeal and enhance the amount of compensation to Rs. 96,000.00 . It is further directed that this amount of compensation shall carry interest @ 6% per annum from the date of claim till the date of payment. The respondent would be jointly and severally liable in this awarded amount. The respondent No. 3 shall deposit the entire amount together with interest within two months after deducting the amount which have already been deposited. The award is modified accordingly. No order as to costs.

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