

**Manno Devi and ors. Vs. Dhan Singh and ors.**

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**SooperKanoon Citation :** [sooperkanoon.com/697448](http://sooperkanoon.com/697448)

**Court :** Delhi

**Decided On :** Jul-22-1987

**Reported in :** II(1987)ACC239

**Judge :** S.B. Wad, J.

**Appellant :** Manno Devi and ors.

**Respondent :** Dhan Singh and ors.

**Judgement :**

**S.B. Wad, J.**

1. This is an appeal against the order of the Motor Accidents Claims Tribunal dated 4-8-79, awarding Rs. 20,400/- as the compensation.

2. Mr. Kadam Singh s/o Shri Chandgi Ram, was driving taxi No. DLT-4162, which was hit by the Air Force Truck No. UD 43793, owned by the defense Ministry, Government of India. The accident took place on 18-10-71 at about 10.40 P.M. on Sadar Thana Road, near Base Hospital, Delhi Cantt. There is no cross-appeal by the Union of India. Thus, the fact of the accident and the liability of the UOI stands admitted. This is an appeal by the claimants for enhancement of compensation. The claimants, who are the father, mother, brother and the sister, have claimed Rs. 1,50,000/- as the compensation.

3. The Tribunal had found that the deceased was earning Rs. 400/-per month as a taxi driver. In the absence of any better evidence that finding is confirmed. Taking 1/3rd deduction on personal expenses of the deceased, his contribution to the family would have come to about Rs. 275/-per month. The father of the deceased was 53 years old at the time of the accident and the mother was also alive at that time. The Tribunal applied the multiplier of 10, holding that that would be the period for which the deceased would have supported the parents. Counsel for the appellants states that both the parents are still alive after 16 years of the accident. Considering this fact, I hold that the multiplier of 20 should be made applicable in this case, assuming that the parents will live for another 4 years.

4. The Tribunal has deducted 15% of the compensation amount (Rs. 24,000/-) towards lump sum payment and uncertainties of life. It is now well-settled that no deductions should be made on the ground of lump sum payment and uncertainties of life as the value of money has gone down because of inflation. Added to that is the fact that the income of the deceased was as low as Rs. 400/- only. I, therefore, hold that no deductions should be made from the compensation amount.

5. The Tribunal has further erred in not giving effect to the provisions of Section 110-cc in regard to interest. The claimants are also entitled to 9 per cent simple interest from the date of application till the date of payment.

6. The claimants are, therefore, entitled to Rs. 66,000/- as compensation and simple interest @ 9 per cent per annual on the said amount from the date of application till the date of payment. If the amount of Rs. 24,000/-, as awarded by the Tribunal, is already paid to the claimants, respondent UOI would be entitled to credit for the same as well as interest thereon. Payment should be made in three months through the Registrar of this Court.

The appeal is allowed.