

Krishan Narain and ors. Vs. Jai Singh and ors.

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SooperKanoon Citation : sooperkanoon.com/698222

Court : Delhi

Decided On : Jan-20-1989

Reported in : 1(1989)ACC358

Judge : S.B. Wad, J.

Appellant : Krishan Narain and ors.

Respondent : Jai Singh and ors.

Judgement :

S.B. Wad, J.

1. This is an appeal for enhancement of compensation. The Motor Accident Claims Tribunal has ordered a sum of Rs. 24,000/- while the Claimants have demanded Rs. 2 lacs. The accident took place on 16-3-1982 in which Smt. Kanta Rani died. There is no cross appeal, therefore, the question is only limited to the adequacy of compensation.

2. The learned Tribunal has found that the deceased was looking after her family and was doing the household work and was also assisting her husband in running the tailoring shop. After recording this finding the Tribunal has held that the loss of the family member is Rs. 100/- per month. The Tribunal took 15 as a multiplier. The deceased was only 35 years of age. It has come in the evidence of the husband that the shop was earning Rs. 700/- per month by doing the tailoring

work. The wife's contribution it can safely be evaluated, as Rs. 100/- per month. The household work looking after the children and cooking in 1982 can certainly be evaluated as Rs. 300/- considering the realities of the matter. This was a family of six members and was reasonably expected to maintain in 1982 in Rs. 1000/- I, therefore, hold that the income of the deceased was Rs. 300/- per month.

3. I hold that the amount of compensation as Rs. 24,000/- is too low. The Tribunal has also erred in taking 15 as a multiplier. Considering the longevity in India it can definitely be taken as 20. therefore, 20 multiplier is applicable. The claimants are thus entitled to Rs. 54,000/- by way of compensation. They are also entitled to 9 per cent interest from the date of application till the date of payment. The D.T.C. is entitled to deduct the sum of Rs. 24,000/- paid by them and for the proportionate interest. A cheque for balance amount towards compensation and interest will be deposited in the registry within two months from today. The Registrar, after issuing notice to the claimants, shall disburse the amount.

The appeal is allowed.