

Savitri Devi and ors. Vs. Darshan Singh and ors.

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Court : Delhi

Decided On : Aug-22-1991

Reported in : II(1991)ACC487; I(1993)ACC233

Judge : S.B. Wad, J.

Appellant : Savitri Devi and ors.

Respondent : Darshan Singh and ors.

Judgement :

S.B. Wad, J.

1. In an accident caused by truck No. MES 1620 of 5 29.1.1980 Govind Ram was killed. The claim petition is filed on behalf of his wife and six children. The claimants had claimed Rs. 80,000/- as compensation, but the Tribunal awarded Rs. 38,400/- only. After deducting Rs. 6,000 as the share of the married daughters, the compensation awarded was Rs. 32,400/- The respondent insurance company has already paid the said amount.

2. The claimants had claimed that the deceased was working as a Halwai, taking contracts in marriages and other parties. PW 4 and PW 5 have been examined by the claimants in support of the said income of Rs. 1,200/- per month of the deceased. From the entire evidence of PW 4 and PW 5, it is seen that on an average the deceased was getting employment for about 15 days in a month.

therefore, even if the claimants are to be believed, the income of the deceased would not have been more than Rs. 600/- per month.

3. The deceased was 55 years old at the time of accident and the multiplier of 8 is applied by the Tribunal. Considering the generally accepted longevity, the multiplier of 8 is on the low side. Some expenses on the personal account of the deceased are also required to be taken into consideration.

4. Having considered all aspects of the matter, I hold that Rs. 50,000/- would be just and proper compensation for the claimants. I do not agree with the Tribunal that any amount is to be deducted as the share of the married daughters, since even excluding the married daughters, there is a large family of seven members to be supported from the said income. The appellants are also entitled to simple interest at the rate of 9 per cent per annum on the enhanced amount of compensation from the date of the petition till the date of payment.

5. The insurance company is directed to draw up a cheque for the enhanced amount of compensation and interest thereon and deposit the same with the Registrar of this Court within two months from today. The cheque should be drawn in the name of the widow for the benefit of the family. The appellant would be entitled to receive the said amount without any security.

6. The appeal is partly allowed. No costs.