

Smt. Hardeep Kaur and Another

Vs

State of Punjab and Another

Civil Appeal No. 1126 of 1970

(P. Jagmohan Reddy, S. N. Dwivedi JJ)

21.03.1974

JUDGEMENT

JAGANMOHAN REDDY, J. –

1. This is an appeal by special leave against the judgment of the Punjab and Haryana High Court which interfered and reduced the compensation awarded by the Motor Accidents Claims Tribunal, Punjab by Rs. 24,000.
2. The appellants are the parents of one Gurdeep Singh who, while he and his fiancée were going on a scooter, was knocked down by a P.W.D. lorry belonging to the Government of Punjab and was killed. It is not denied that Gurdeep Singh was working in England and was earning at the rate of 18-13-8 per week. He came home to get married and, as stated above, died in the accident. The parents of Gurdeep Singh filed a claim petition. His fiancée also filed a claim petition but did not pursue it. Both the Tribunal as well as the High Court found that the driver of the P.W.D. truck was negligent, that Gurdeep Singh was earning at the rate of 18-13-8 per week, that he was 25 years of age and that the span of life of his parents would be 60 to 65 years and that compensation to be awarded should be calculated on the basis of 20 years capitalisation of the amounts which he would be sending to his parents. While the Tribunal thought, though the evidence showed that the deceased was sending Rs. 800 per month, the amount that he would have sent to his parents. While the Tribunal thought, though the evidence showed that the deceased was sending Rs. 800 per month, the amount that he would have sent to his parents, having regard to the fact that he would have been married and would have a family, could reasonably be estimated as Rs. 400 per month. The High Court calculated the compensation that one-third of his earnings per month, which was Rs. 1,000, would be sent. This it fixed at Rs. 300 per month. On the basis of Rs. 400 per month, it is not denied that 20 year's capitalisation would be Rs. 96,000 which was the amount awarded by the Tribunal; on the basis that Rs. 300 would be sent the compensation would be Rs. 72,000.
3. In our view, the High Court has committed a factual error in assuming that the earnings of Gurdeep Singh were Rs. 1,000 per month while in fact it has accepted the Tribunal's finding that he was earning (pounds) 18-13-8 per week which would come to Rs. 1,500 per month. If this fact was taken into consideration and the High Court had not committed the error of taking the earnings of the deceased at Rs. 1,000 per month, it would have certainly confirmed the compensation awarded by the Tribunal.
4. In this view, this appeal must be allowed. We accordingly set aside the judgment of the High Court and confirm the compensation of Rs. 96,000 awarded by the Tribunal. The appellants will have their costs in this Court as well as in the High Court.

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