

State of Punjab

Vs

Mst. Parsini and Others

Civil Appeal No. 1696 of 1968

(CJI A.N. Ray, M.H. Beg, P.N. Shinghal JJ)

24.09.1976

JUDGMENT

RAY, C.J. –

1. This appeal is by certificate from the judgment dated April 26, 1967 of the High Court of Punjab and Haryana in Letters Patent Appeal 273 of 1963.
2. The respondent, Mst. Parsini, is the widow of Beer Chand. Beer Chand died on March 26, 1969 in an accident with a tractor belonging to the Punjab Public Works Department (Electricity Branch), Ludhiana.
3. The widow made an application under Motor Vehicles Act, 1939. The tribunal granted compensation of Rs. 2000 of the applicant.
4. The learned single Judge on appeal upheld the order of the tribunal. Thereupon the respondent filed letters patent appeal which was allowed by the High Court. The High Court awarded Rs. 3000 to each of the seven children and Rs. 4200 to the widow.
5. Counsel for the State contended that the number of children was not save. We have examined the evidence. The applicant stated that she had seven children. She mentioned three daughters and four sons. When she gave evidence they were all minor. That was sixteen years ago. There was no challenge to the evidence of the applicant. The High Court said that the tribunal nowhere doubted the evidence as led by the applicant with regard to the income and further that the tribunal did not consider it either vague or indefinite.
6. The High Court on a consideration of the facts and circumstances came to the conclusion that Rs. 200 was the proper figure as the income of the deceased. The High Court allowed a sum of Rs. 60 as the amount that must have been spent by the deceased on himself with the result that the income of the family was Rs. 140 p.m. On these facts the High Court found that the total compensation payable would be Rs. 25,200.
7. The High Court said that the proper distribution would be to allow Rs. 3000 to each of the seven children and the balance of Rs. 4,200 to the widow.
8. We are of the opinion that the judgment is correct. We do not see any reason to take a contrary view. For the foregoing reasons the judgments is upheld. The appeal is dismissed. The High Court has given adequate directions as to how the money will be distributed. The appellant will pay the

costs to the respondents.

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