

Sukhbinder Kaur and Others

Vs

Nirmolak Singh and Others

Civil Appeal No. 217 of 1982

(P. N. Bhagwati, E. S. Venkataramiah, A. Varadarajan JJ)

18.01.1982

ORDER

1. We are of the view that having regard to the facts and circumstances of the present case and particularly in view of the fact that the bread earner of the family is gone and the widow and two minor children are reduced to a condition of helplessness and the widow has to lead the rest of her life alone and at the mercy of her friends and relatives and taking into account the earning capacity of the deceased, the amount of Rs 40,000 awarded by way of compensation is not adequate and it should be enhanced to Rs 55,000.

2. We accordingly allow the appeal and order that a sum of Rs 55,000 be paid to the appellants by way of compensation. We are told that a sum of Rs 20,000, representing the liability of the insurers, has already been deposited in Court. The appellants will be at liberty to withdraw that amount. The balance out of the amount of Rs 55,000, will be paid by respondents 1 to 3 to the appellants and, if any amount has already been paid or deposited by respondents 1 to 3 in addition to the amount of Rs 20,000 deposited by the insurers, the same will be given credit for and the balance of the decretal amount will be paid by respondents 1 to 3 within two months from today and if it is not so paid, it will carry interest at the rate of 12 per cent per annum.

3. There will be no order as to costs.

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