

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).6671/2004

(From the judgement and order dated 04/07/2003 in FAO No.667/1998 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

PYARE LAL (DEAD) & ORS. Petitioner(s)

VERSUS

STATE OF HARYANA & ORS. Respondent(s)

(With appln(s) for c/delay in filing SLP, discharge of guardianship, declaring the Petitioner Nos.2,3 and 4 as major, information regarding death of Petitioner No.1 and for taking Petitioner Nos. 2-4 as legal representatives of Petitioner No.1 and office report)

Date: 13/04/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL
HON'BLE MR. JUSTICE G.S. SINGHVI

For Petitioner(s) Mr. Kamal Mohan Gupta,Adv.
Mr. Yash Pal Ramgi,Adv.

For Respondent(s) Mr. Arvind Kumar Gupta,AAG.
Mr. T.V. George,Adv.
Mr. B.B. Singh,Adv.
Mr. Ved Parkash,Adv.

UPON hearing counsel the Court made the following
ORDER

Delay condoned.

The interlocutory applications are allowed.

Leave granted.

Heard learned counsel for the parties.

The appeal is allowed in-part.

No costs.

[Alka Dudeja] [Savita Sainani]
Court Master Court Master

[Signed order is placed on the file]
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2406 OF 2009
(Arising out of S.L.P. (C) No.6671 OF 2004)

Pyare Lal (Dead) & Ors. ...Appellant(s)

Versus

State of Haryana & Ors. ...Respondent(s)

O R D E R

Delay condoned. Leave granted.

Heard learned counsel for the parties.

The appellants are the heirs of Suraj Bhan who died on 15 th September, 1996 due to fall from a Haryana Roadways bus bearing registration No.HR-46/6835 which was being driven in rash and negligent manner by its driver, Shri Raj Kumar (respondent No.3 herein). They filed a petition under Section 166 of the Motor Vehicles Act, 1988 for award of compensation to the tune of Rs.10 lakhs by stating that the deceased was receiving pension of Rs.3,228/- from the army and salary of Rs.5,000/- from Sterling International Worldwide Couriers, Bahadurgarh, with whom he was employed at the relevant time. By an award dated 1st October, 1997, the Motor Accident Claims Tribunal directed the respondents to pay to the appellants a sum of Rs.1,26,000/- by way of compensation with interest @ 12% per annum from the date of filing the petition till its payment. In arriving at the figure of Rs.1,26,000/-, the Tribunal took into consideration

....2/-

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the amount of pension received by late Suraj Bhan, fixed the dependency of the appellants at Rs.1500/- per month and applied the multiplier of 7. However, the appellants claim based on the salary allegedly received by the deceased from Sterling International Worldwide Couriers was rejected on the ground that no evidence had been produced in that regard.

The appellants challenged the award of the Tribunal by filing an appeal under Section 173 of the Act. During the pendency of the appeal, the appellants filed an application and placed on record a certificate to show that pension of late Suraj Bhan was revised by the Government of India from Rs.3,228/- to Rs.4,556/- per month with effect from 1st January, 1996. The High Court did not consider the factum of increase in the pension of late Suraj Bhan but enhanced the compensation payable to the appellant from Rs.1,26,000/- to 1,28,000/- by applying the multiplier of 11. Feeling dissatisfied, the appellants have filed this appeal by special leave.

The respondents have not disputed that pension of late Suraj Bhan had been revised by the Government of India from Rs.3,228/- to Rs.4,556/- per month with effect from 1st January, 1996 and the fact that a copy of the certificate showing increase in the pension was produced before the High Court. In this view of the matter, the High Court ought to have taken into consideration the revised pension of late Suraj Bhan for the purpose of enhancing the compensation payable to the appellants. In our view, by taking into consideration the revised pension of late Suraj Bhan, it would be reasonable to fix dependency at Rs.2,200/- per month and Rs.26,400/- per annum. If multiplier of 11 is applied to this amount of dependency, the total compensation payable to the appellants would be Rs.2,90,400/-.

....3/-

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Accordingly, the appeal is allowed in part, impugned orders are modified and it is directed that the appellants shall be entitled to receive compensation of Rs.2,90,400/- from the respondent. They shall also be paid interest @ 12% per annum from the date of filing of the petition before the Tribunal till its payment.

No Costs.

.....J.
[B.N. AGRAWAL]

.....J.
[G.S. SINGHVI]

New Delhi,
April 13, 2009.