or not to grant affiliation to a private institution. In the present case, the impugned order is being challenged on the ground that the petitioner had not violated any of the conditions imposed by the State and as such affiliation already granted to it could not be withdrawn.

(13) In view of the above discussion, we allow this writ petition and quash the impugned order dated 27th June, 2000 passed by respondent No. 2 disaffiliating the Art and Craft and Teacher Training Course run by the petitioner no. 2. However, in the circumstances of the case, there shall be no order as to costs.

(14) Before parting we would like to clarify that in case the Inquiry Officer in his final, report finds the petitioners guilty of any violations, the respondents shall be free to take any appropriate action in accordance with law. We also expect the respondents to take decisions objectively and not be provoked by the fact that the petitioners had approached this Court.

R.N.R.

Before Jawahar Lal Gupta and N.C. Khichi, JJ

Dr. B.D. GUPTA AND ANOTHER—*Appellants*

versus

SMT. R. RANI MANORANJITHAM AND OTHERS—*Respondents*

F.A.O. No. 952 of 1999

12th December, 2000

Motor Vehicles Act, 1988—S. 110-A—Death of a 23 years old student in an accident due to rash and negligent acts of drivers—Deceased completed his 4½ years of MBBS course, doing internship and getting Rs. 2,000/- p.m. as stipend at that time—Tribunal assessing compensation at Rs. 2,40,000/- by applying a multiplier of 10 taking the contribution at Rs. 2,000/- p.m. after deducting 1/3rd of the salary towards his personal expenses—Tribunal ignoring the prospectus of his career advancement—Unfair to fix the monthly income less than Rs. 12,000/- p.m.—Multiplier of 12 to be applied—Appeal allowed while assessing compensation at Rs. 11,52,000/-

Held that in April, 1995, the deceased was undergoing internship. He was getting a stipend of Rs. 2000/-. However, on

graduation, he could have easily hoped to get a good Government job or to set up private practice. He could have also done post-graduation. In any of these situations, his income would not have been restricted to Rs. 3000/- p.m. as assessed by the Tribunal. Infact, in the year 1995-96, Junior Residents who joined Post Graduate Institutes of Medical Education for higher studies were paid in the region of Rs. 12000/- p.m. or more. Those who were selected for appointment to the State Medical Services, were paid even more. There were prospectus of career advancement. On this basis, it appears that it would be unfair to fix the monthly income of the deceased at anything less than Rs. 12000/- p.m. If 1/3rd of this amount is excluded as the personal expenses of the deceased, he could have easily spared Rs. 8000/- p.m. for his parents.

(Para 17)

Further held, that the cardinal principle that Courts follow is that the damages have to be minimised. Yet, we cannot lose sight of the ground realities. It is indisputable that life expectancy is increasing with years. Still further, even if the deceased had got married, he would have in the normal course of events continued to look after his parents and provide for them. At the lowest he would have also been a source of help and solace to them. At the time of the accident, the age of the father of the deceased was about 60 years while that of his mother was less than 58 years. There is not even a suggestion that the parents of the deceased are not fit and healthy. Taking all these factors into consideration, we think it appropriate to apply a multiplier of 12.

(Para 19)

Ashok Sharma, *Advocate for the Petitioner*

Suveer Dewan, *Advocate for respondent No. 5*

Gopal Mittal, *Advocate for respondent No. 6*

JUDGMENT

Jawahar Lal Gupta, J. (O)

(1) The appellants are the unfortunate parents who suffered an irreparable loss in the death of their young son - Dr. Vikrant Gupta. He was 23 years old and had just Graduated in Medicine and Surgery. He was undergoing internship. He met his end in a lorry accident. The death was instantaneous. The appellants filed

a claim petition under Section 166 of the Motor Vehicle Act, 1988. The Tribunal has assessed and awarded a total amount of Rs. 2,70,000. The appellants complain that the compensation is too meagre. Hence this appeal.

(2) The facts may be briefly noticed.

(3) On the night intervening 21st 22nd, April, 1995, Vikrant Gupta was travelling to Pondicherry in Lorry No. TCG—2400. Near Chengalpattu, the Lorry hit a Stationary Truck No. PY-01-0477 which was parked on the wrong side of the road without any light or indication. Vikrant Gupta sustained multiple injuries and died. His post-mortem was performed at the Medical College, Chengalpattu. An FIR Ex. P.5 was also recorded.

(4) The father of the deceased was at Chandigarh. He had retired as Professor and Head of the Department of Radiotherapy, Post Graduate Institue of Medical Education and Research, Chandigarh, in the year 1994. On 22nd, April, 1995, he was to leave for Mangolia. His ticket was already booked. However, on receipt of the telegram, he had flown to Madras and then reached Chengalpattu. He got the body embalmed. It was carried to Delhi by air and then to Chandigarh in an ambulance. The last rites were performed at Chandigarh.

(5) The deceased had a brilliant academic record. He had joined the MBBS course at the Jawaharlal Nehru Insititute of Post Graduate Medical Education and Research, Pondicherry in July, 1990. This admission was granted to him as a result of the selection conducted by the Central Board of Secondary Education. He had completed the four and a half years' course and was doing internship from January 1995. During the period of internship, he was being paid a monthly stipend of Rs. 2000. The accident ended a promising career.

(6) The deceased had other interests as well. He had passed the Grade-V examination in Classical Guitar from the London School of Music. He had ambitious plans of performing concerts apart from following the medical profession.

(7) The appellants claim that the deceased had the potential of earning a minimum of Rs. 50,000/- per month. On this basis, a compensation to the tune of Rs. 20 lacs alongwith 18% interest was claimed.

(8) In the petition, the owners and drivers of the two vehicles and the insurers viz. the Oriental Insurance Company Ltd. and the United India Insurance Company were impleaded as parties. The two companies appeared. Others did not. Resultantly, respondent Nos. 1 to 4 and 7 were proceeded against *ex parte*.

(9) In the written statement filed by the Oriental Insurance Company, it was averred that no cause of action had accrued. The first respondent was not the owner of the Vehicle at the time of the alleged accident. She had no insurable interest and that the driver was not holding a valid driving licence. On merits, the basic plea was that the claimants be put to proof. Similar, was the reply field on behalf of the United India Insurance Company-respondent No. 6.

(10) On the pleadings of the parties, the Tribunal framed the following three issues :—

(1) Whether the accident in question took place due to the rash and negligent driving of respondent Nos. 2 and 4 ? OPP.

2. If issue No. 1 is proved, to what amount of compensation, the claimants are entitled to and from whom ? OPP

3. Relief.

(11) On Issue No. 1, the Tribunal found that the accident had occurred "due to rash and neglient acts of respondent Nos. 2 and 4". On the quantum of compensation, the Tribunal took the view that after completion of the internship, the salary of the deceased could be Rs. 3000. 1/3rd was deducted on account of personal expeness. Thus, taking the contribution at Rs. 2000 per month, the Tribunal applied a multiplier of 10 and assessed the compensation at Rs. 2,40,000. It allowed another amount of Rs. 20,000 on account of transportation charges and Rs. 10,000 for cremation. Thus, a total compensation of Rs. 2,70,000 was assessed and awarded.

(12) Mr. Ashok Sharma, counsel for the appellants contends that the compensation as assessed by the Tribunal is grossly inadequate and that a much higher compensation ought to have been awarded. On the other hand, M/S Suveer Dewan and Gopal Mittal, learned counsel for respondent No. 5 and 6—the insurers,

have (though half-heartedly) contended that the compensation as awarded by the Tribunal is adequate.

(13) The short question that arises for consideration is—Has the Tribunal awarded a just and fair compensation to the claimants ?

(14) Admittedly, the deceased had passed his MBBS examination. The certificate Ex. P1 clearley shows that he was doing his internship. It is also evident that he was "a very good student and (had) passed all the examinations in the first appearance itself". Even his past was good. He had got admission to the Jawaharlal Institute of Post Graduate Medical Education and Research, Pondicherry, as a result of the All India competition conducted by the Central Board of Secondary Education. Still further, he had also qualified the Grade V examination from the London School of Music.

(15) Dr. B.D. Gupta —the father of the deceased appeared as PWI. He stated that his son had "ambitious plans of performing concerts apart from devoting his time in the medical profession..." He also stated that the deceased was to "further pursue his MD/ MS course and was to rise high in life..." In cross-examination, the only suggestion made to the witness was that his son was not MBBS. Otherwise, nothing was suggested which may reflect adversely on the deceased.

(16) It is evident that the deceased had a consistently good academic record. His selection and admission to a medical course is symbolic of his good academic attainments. Even if the testimony of the Dad is deemed to be tainted with some degree of interest (though there is nothing to suggest that),we have the unequivocal opinion of the Dean of the Institute. He has given a picture of the promise and the potential. The certificate is Ex. P1. It shows that the deceased had not only passed all the examinations in the first attempt but also that "if he were to survive, there was every probability that he could have secured admission for higher courses of study (like M.D., M.S., etc.) and qualified to have a good....income as a specialist medical practitioner". This assessment by the Dean of the Jawaharlal Institute of Post Graduate Medical Education and Research, Pondicherry bears clear testimony to the potential of the deceased. Apparently, he had a good past and was likely to have a bright future. He had the potential of being a source of comfort to his parents and an asset to the society.

(17) It is true that in April 1995, the deceased was undergoing intership. He was getting stipend of Rs. 2000. However, on graduation he could have easily hoped to get a good Government job or to set up private practice. He could have also done post-graduation. In any of these situations, his income would not have been restricted to Rs. 3,000 per mensem as assessed by the Tribunal. In fact, it is the admitted position that even in the year 1995-96, Junior Residents who joined Post Graduate Institutes of Medical Education for higher studies were paid in the region of Rs. 12,000 per month or more. Those who were selected for appointment to the State Medical Services, were paid even more. There were prospectus of career advancement. On this basis, it appears that it would be unfair to fix the monthly income of the deceased at anything less than Rs. 12,000 per month. It could have been even more if he were to take up a job with the Government or to set up private practice. If 1/3rd of this amount is excluded as the personal expenses of the deceased, he could have easily spared Rs. 8,000 per month for his parents.

(18) The Tribunal has noticed the fact that the deceased was 23 years old at the time of accident. Still, it has applied a multiplier of 10 on the hypothesis that the deceased could have got married after 10 years. Mr. Ashok Sharma contends that the Tribunal has erred in applying a multiplier of 10. He submits that a multiplier of 18 should be applied.

(19) The cardinal principle that courts follow is that the damages have to be minimised. Yet, we cannot lose sight of the ground realities. It is indisputable that life expectancy is increasing with years. Still further, even if the deceased had got married, he would have in the normal course of events continued to look after his parents and provide for them. At the lowest, he would have also been a source of help and solace to them. It is also the admitted position that at the time of the accident, the age of appellant No. 1 was about 60 years while that of appellant No. 2 was less than 58 years. There is even a suggestion that the appellants are not fit and healthy. Taking all these factors into consideration, we think it appropriate to apply a multiplier of 12.

(20) In view of the above, it is held that the appellants suffered a monetary loss of Rs. 96,000 per year. With a multiplier of 12, the figure comes to Rs. 11,52,000. Still further, the first appellant in his statement as PWI has categorically asserted that he had spent an amount of Rs. 80,000 in transportation and Rs. 40,000 on funeral

and cremation etc. This part of the statement was not challenged in cross-examination. Normally, even this amount would have been payable to the appellants. However, we think that a total compensation of Rs. 45,000 on this account shall be just and reasonable.

(21) No other point has been raised.

(22) Whatever the amount of compensation that we might assess and award, the loss that the appellants have suffered is irreparable. Nothing but time can heal the wound. The sear shall remain till the last day of their lives. So far as this appeal is concerned, it is allowed in the above terms. The appellants are held entitled to an amount of Rs. 11,97,000 alongwith interest @ 12% per annum from the date of the filing the claim petition as awarded by the tribunal. Since both the vehicles have been held to be equally liable by the Tribunal and that finding has not been challenged, the liability of respondent Nos. 5 and 6 would be joint and several. The appellants shall be entitled to their costs.

R.N.R.

Before G.S. Singhvi and N.K. Sud, JJ

AMANDEEP SINGH,—*Petitioner*

versus

DIRECTOR OF INCOME TAX (INV.) LUDHIANA & OTHERS,—*Respondents*

C.W.P. No. 15388 of 1999

15th December, 2000

Income Tax Act, 1961—Ss. 132-A & 158-BC—Code of Criminal Procedure, 1973—Ss. 102 & 457—Seizure of Indian currency notes—Income Tax authorities requisitioning the currency notes from the police u/s 132-A—Police authorities delivering the possession of the seized amount without obtaining an order u/s 457 Cr. P.C. of the competent Court—Income tax authorities competent to issue a requisition u/s 132-A(1)—Police was duty bound to obtain an order u/s 457 Cr. P.C. before parting with the possession of the seized amount—Action of the Police in delivering the possession of the seized amount to income tax authorities contrary to the provisions of S. 102 of the