

(2002) 12 MP CK 0040
In the Madhya Pradesh High Court
Case No : M.A. No. 624 of 2002

Avantibai and Others

APPELLANT

Vs

Hiralal and Others

RESPONDENT

Date of Decision : 12-12-2002

Acts Referred:

Citation : (2004) ACJ 1921

Hon'ble Judges : Nirmal Kumar Jain, J;Deepak Verma, J

Bench : Division Bench

Advocate : Manish Jain, for the Appellant; Anil Oza, for the Respondent

Final Decision : Allowed

Judgement

Deepak Verma and N.K. Jain, JJ.—For the death of 50 years old milk vendor who died in a motor accident, the Claims Tribunal below has awarded Rs. 1,45,000 as compensation. This amount also included the treatment expenses which the deceased received for about seven days before his death.

2. The amount awarded by the Tribunal is clearly on the lower side. The dependency has been computed at Rs. 15,600 which in our opinion ought to be Rs. 16,000 per annum. Tribunal has applied multiplier of 8 only which again is on lower side and should have been 13. On applying this multiplier, the amount of compensation on this count comes to Rs. 2,08,000. To this, a further sum of Rs. 17,000 needs to be added under various other heads such as loss of consortium, loss of love and affection, loss to the estate, medical and funeral expenses. Thus, the proper compensation in the instant case comes to Rs. 2,25,000 (rupees two lakh twenty-five thousand) which the respondents are liable to pay jointly and severally to the appellants.

3. Accordingly, this appeal is allowed in part and the amount of compensation is raised to Rs. 2,25,000. This amount shall also carry interest at the rate of 9 per cent per annum from the date of claim petition until payment. The respondents shall also bear appellants' cost of this appeal besides their own. Counsel's fee

Rs. 1,000, if certified.