**(2022) 08 JH CK 0002**

**In the Jharkhand High Court**

**Case No :** Miscellaneous Appeal No. 146 Of 20212

Bibi Jubeda Khatoon And Others — APPELLANT

Vs

Oriental Insurance Co. Ltd And Others — RESPONDENT

**Date of Decision :** 02-08-2022

**Acts Referred:**

**Citation :** (2022) 08 JH CK 0002

**Hon'ble Judges :** Gautam Kumar Choudhary, J

**Bench :** Single Bench

**Advocate :** Sudhanshu Shekhar Choudhary

**Final Decision :** Allowed

# Judgement

Gautam Kumar Choudhary, J

1. Appellants are the claimant, who have preferred the appeal for enhancement for award of compensation in MACT Case No.32 of 2010.

2. The claimant's case is that Md. Maswood Alam died in a motor vehicle accident when he was travelling in Government bus which met with an accident when the bus was stopped for changing the punctured tire. The claimants are the parents of the deceased. The deceased was unmarried and the only son of the petitioners.

3. The learned Tribunal awarded a compensation of Rs.5,00,000/- after considering the age of the deceased to be 28 years at the time of accident with monthly income of Rs.15,000/-.

4. On the point of income it has been pleaded that the deceased had a monthly income of Rs 15000/- but the nature of job or any particular of employment has not been disclosed in the claim application. The mother of the deceased has stated in her examination-in-chief on affidavit that he was having a monthly income of Rs 15000/- and he was working in a private company. PW 2 who is the brother-in-law of the deceased has deposed that the he was working in private company under name Ujjiwan which was working in agricultural field. From Ext

7-11 it appears that the deceased was Bachelor of Science in agriculture and was employed in Ujjivan from April 2009 with a net salary of Rs 13560/-

5. It has been held in Amrit Bhanu Shali v. National Insurance Co. Ltd., (2012) 11 SCC 738 :

“31. Where the deceased was a bachelor and the claimants are the parents, the deduction follows a different principle. In regard to bachelors, normally, 50% is deducted as personal and living expenses, because it is assumed that a bachelor would tend to spend more on himself. Even otherwise, there is also the possibility of his getting married in a short time, in which event the contribution to the parent(s) and siblings is likely to be cut drastically. Further, subject to evidence to the contrary, the father is likely to have his own income and will not be considered as a dependant and the mother alone will be considered as a dependant. In the absence of evidence to the contrary, brothers and sisters will not be considered as dependants, because they will either be independent and earning, or married, or be dependent on the father”.

6. Taking Rs13,560/- as the monthly income and 28 years as the age of the deceased the final compensation shall work out as under:

Annual Income Rs13,560x12

Rs 1,62,720

Annual dependency after deducting 1/2 on the living and personal expenses of the deceased

Rs 81360

Loss of dependency on taking a multiplier of 17

Rs 81360 x 17 = Rs 13,83,120

Future Prospect @ 40%

Rs 4,14,936

Conventional head

Rs 77,000

Total

Rs 18,75,056

The claimants shall therefore be entitled to compensation of Rs 18,75,056 with interest @ of 7.5% per annum on the compensation amount from the date of filing of claim application from the Insurance Company. The Insurance Company is accordingly directed to make payment of the compensation amount to the Tribunal within a month of this order. The Tribunal shall pay the compensation amount to the claimants in the manner given below after due verification of their identity in a joint account in their name.

Appeal is allowed as at above.

 