

(2007) 05 JH CK 0028
In the Jharkhand High Court

Branch Manager, United India Insurance Co. Ltd. and Others	APPELLANT
Vs	
Shail Kumari Devi and Others	RESPONDENT

Date of Decision : 08-05-2007

Acts Referred:

Citation : (2007) ACJ 2864 : (2007) 3 JCR 10

Hon'ble Judges : M.Y. Eqbal, J; Dilip kumar sinha, J

Bench : Division Bench

Final Decision : Allowed

Judgement

1. This appeal by the appellant-Insurance Company is directed against the judgment and award dated 28th February 2006 passed by Motor Vehicle Claims Tribunal, Bokaro in Title (M.V.) Suit No. 24 of 2003 awarding compensation of Rs. 11,61,500/-. Learned Counsel for the appellant assailed the impugned award only on the ground that the Tribunal while assessing compensation has considered the gross salary of the deceased instead of net salary.

2. Admitted facts are that the deceased was an employee of Central Coalfields Limited a Kalyani Project and was aged about 58 years. The Tribunal considering his gross salary as Rs. 18,000/-calculated compensation amount. Before the Tribunal the pay slip and the deduction chart of the deceased employee was produced which was marked as Ext. 3 and 3/1. The Tribunal taking into consideration the Ext. 3 and 3/1. The Tribunal taking into consideration the Ext. 3 and 3/1 noticed that the gross salary of the deceased was Rs. 12,914=62 and his net salary was Rs. 11,003/-. In spite of the aforesaid document the Tribunal calculated the compensation by taking gross salary of the deceased. As referred to herein" above, the compensation shall have to be assessed by taking take home salary which the deceased was getting at the time of his death, if the 1/3rd of the net salary is deducted then monthly dependency comes to Rs. 7,400/- and the annual dependency shall be at Rs. 88,000/- approximately.

3. Taking into consideration that the deceased was aged about 58 years and only

2 years of service was left, a multiplier of 8 shall be appropriate and by multiplying with 8 years of purchase:, compensation amount comes to Rs. 7,10,400/- approximately. In the aforesaid premises. in our considered opinion, a sum of Rs. 7,50,000/- shall be just and reasonable compensation.

4. We, therefore, allow this appeal in part and hold that claimant shall be entitled to compensation at Rs. 7,50,000/-together with interest as awarded by the Tribunal.