

(2009) 04 JH CK 0015
In the Jharkhand High Court
Case No : M.A. No. 234 of 2007

Indu Devi and Others

APPELLANT

Vs

Arvind Kumar Singh and Another

RESPONDENT

Date of Decision : 08-04-2009

Acts Referred:

Citation : (2011) ACJ 332

Hon'ble Judges : M.Y. Eqbal, J;Jaya Roy, J

Bench : Division Bench

Advocate : Arvind Kumar Lal, for the Appellant; Nisha Thakur, for the Respondent

Final Decision : Allowed

Judgement

M.Y. Eqbal and Jaya Roy, JJ.—Heard the learned Counsel appearing for the parties.

2. This appeal by claimants-appellants is directed against the judgment and award dated 31.5.2007 passed by Motor Accidents Claims Tribunal, Ranchi in Compensation Case No. 149 of 2003 whereby the Tribunal awarded a sum of Rs. 5,22,000 on account of death of the deceased caused in a motor vehicle accident.

3. Mr. Arvind Kumar Lal, the learned Counsel appearing for the Appellants assailed the judgment and submitted that the quantum of compensation assessed by the Tribunal is not according to law inasmuch as the deceased was aged about 5072 years but the multiplier of 8 has been taken. According to learned Counsel appearing for the Appellants a minimum multiplier of 11 years should have been taken for the purpose of assessing the compensation.

4. Mrs. Nisha Thakur, learned Counsel appearing for the Respondents insurance company on the other hand submitted that the amount awarded by the Tribunal is just and reasonable.

5. On perusal of the judgment it appears that the deceased was employed in

Jharkhand State Electricity Board and by notification issued just one day after the death of the deceased, he was promoted to the rank of Junior Engineer in the pay scale of Rs. 5,800-Rs. 11,500.

6. The Tribunal on the basis of evidence adduced by the claimants-appellants took monthly take-home salary at Rs. 8,000 and multiplying the annual dependency after deducting 1/3rd out of the said amount assessed the compensation.

7. Since the submission of Mr. Lai is confined only to the extent that a multiplier of 11 should have been taken, we are not going to discuss any other finding recorded by the Tribunal.

8. As noticed above, the deceased was only aged about 5072 years the Tribunal ought to have taken a multiplier of 11 for the purpose of assessing the compensation. If the multiplier of 11 is taken the total compensation comes to Rs. 7,54,000. Making it is a round figure, in our considered opinion, a sum of Rs. 7,50,000 (rupees seven lakh and fifty thousand) shall be just and reasonable compensation.

9. We, therefore, allow this appeal and enhance the amount of compensation from Rs. 5,22,000 to Rs. 7,50,000. Needless to say that the compensation amount shall carry interest as awarded by the Tribunal.