(2006) 07 RAJ CK 0032

In the Rajasthan High Court

Jai Ram Jat and Others APPELLANT

Vs

Prabhu Dayal Jat and Others RESPONDENT

Date of Decision : 17-07-2006

Acts Referred:

Motor Vehicles Act, 1988 — Section 173

Citation : (2006) 4 ACC 74

Hon'ble Judges : G.S. Sarraf, J

Bench : Single Bench

Judgement

G.S. Sarraf, J.—The claimant-appellants have filed this appeal u/s 173 of the Motor Vehicles Act against the judgment/award dated 24.2.1996 of the Motor Accident Claims Tribunal, Kotputli, District Jaipur.

2. The brief relevant facts as regards this appeal are that the deceased Ramesh was travelling by truck RNG 1031 which was going from Delhi to Jaipur. When the above truck reached near Gordhanpura at about 5.30 a.m. on 9.7.1988 suddenly another truck RNE 2676 being driven rashly and negligently by its driver respondent No. 1 came from opposite side and collided with the above truck as a result of which the deceased Ramesh died on account of the injuries sustained by him in the accident. The deceased was the only son of the claimant-appellant Nos. 1 and 2 and the claimant-appellant No. 3 is the wife of the deceased. Respondent No. 2 is the owner and respondent No. 3 is the Insurance Company of the truck RNE 2676. The learned Tribunal passed an award of Rs. 1,82,800 in favour of the claimant-appellants. Aggrieved by this judgment/award the claimant-appellants have filed this appeal.

3. Mr. Vinay Mathur, learned Counsel for the claimant-appellants has submitted that one third deduction on account of self expenditure should not have been made as the deceased belonged to low income group. He has further submitted that the learned Tribunal adopted a multiplier of 17 whereas looking to the age of the deceased multiplier of 18 should have been adopted.

4. Mr. Rizwan Ahmed, learned Counsel for the respondent No. 3 has supported the award/judgment of the learned Tribunal.

5. In Column No. 5 of the claim petition the monthly income of the deceased has been shown to be Rs. 1,000 and in Column No. 11 also it has been stated that the income of the deceased was Rs. 1,000 per month from agriculture. However, the father of the deceased Jai Ram Jat A.W. 2 and the wife of the deceased Suman A.W. 3 narrate a different story in their statements and say that the deceased was working in a transport company where he was given a salary of Rs. 1,000 per month. Jai Ram Jat A.W. 2 also admits in his cross-examination that the deceased was exclusively working with the transport company for the last one or one and a half year. On the basis of the pleadings and statements of the witnesses the learned Tribunal assessed the income of the deceased at Rs. 1,000 per month and deducted 1/3rd of it on account of his self expenditure. I do not think that the learned Tribunal has committed any mistake in doing so in the facts and circumstances of the case. The deceased was around 25 years old at the time of his death and, therefore, the multiplier of 17 adopted by the learned Tribunal does not appear to be inappropriate in view of the judgment of the Hon''ble Apex Court in 2005 (1) W.L.C.732. The learned Tribunal has calculated the amount of compensation as under:

(a) Rs. 1,42,800 (700 x 12 x 17) -- Loss of income (b) Rs. 15,000 -- Los of companionship (c) Rs. 5,000 -- For transportation and cremation (d) Rs. 20,000 -- Pain and suffering on account of the fact that the deceased was ---------------- the only son of his parents. Rs. 1,82,800 Total ----------------

6. I am of the opinion that the amount of compensation awarded as above by the learned Tribunal is fair and adequate and there is no force in the arguments advanced by the learned Counsel for the claimant-appellants. There is no ground for interference in the judgment/award of the Tribunal.

7. In the result, the appeal of the claimant-appellants fails and the same is dismissed accordingly.

