

(2014) 07 JH CK 0105
In the Jharkhand High Court
Case No : MA No. 33 of 2013

Jaswa Devi

APPELLANT

Vs

Gautam Kumar

RESPONDENT

Date of Decision : 30-07-2014

Acts Referred:

Citation : (2014) 3 JLJR 623

Hon'ble Judges : Dhruv Narayan Upadhyay, J

Bench : Single Bench

Advocate : Vijay Kumar Sharma, Advocate for the Appellant; D.C. Ghosh, Advocate for the Respondent

Judgement

Dhruv Narayan Upadhyay, J.—This appeal has been preferred against the judgment and award dated 5th October, 2012 passed by learned Principal District Judge-cum-Motor Vehicle Accident Claim Tribunal, Chatra in connection with Claim Case No. 55 of 2011 whereby the Tribunal has passed an award against the insurer and directed to pay Rs. 6,90,000/- to the claimants in lieu of death of late Krishna Bhuian @ Krishna Bharti. The facts, in brief, is that the deceased along with other passengers, was travelling on 10.11.2011 by vehicle Mo. JH-13-A-8280. Due to rash and negligent driving aforesaid vehicle met with an accident and as such Krishna Bhuian @ Krishna Bharti sustained injuries and later died.

2. The claimants, who are dependents, had filed application for grant of compensation which was duly allowed by the Tribunal and an award, as indicated above, has been passed.

3. The appellants/claimants, being dissatisfied with the quantum of compensation, have preferred this appeal on the ground that as per the guidelines given by Hon'ble Supreme Court in the case of Smt. Sarla Verma and Others Vs. Delhi Transport Corporation and Another, where the number of dependents is more than five, deduction towards personal expenses of the deceased has to be 1/5th from income of the deceased.

4. It is submitted that learned Tribunal has wrongly deducted 1/3rd on account of personal expenses which the deceased would have incurred, had he been alive. The learned Tribunal has further directed to pay interest from the date of award till realisation of the amount. The Tribunal has further not considered future prospect of the deceased. In course of extending arguments, learned counsel has agreed to receive Rs. 1,50,000/- more as additional compensation, if paid by the respondent/insurance company.

5. Learned counsel appearing for the respondent/insurance company has opposed the prayer.

6. Considering the guideline given by Hon''ble Apex Court in the case of Sarla Verma (supra) and other aspects of the case of the appellant, the respondent/insurance company is directed to pay Rs. 1,50,000/- as lump-sum compensation amount to the claimants and it would serve the purpose.

7. The additional compensation amount shall be paid to the claimants within 60 days from today. Out of additional compensation amount, a sum of Rs. 20,000/- each in the name of each minor claimants shall be deposited under fixed deposit term in any nationalised bank for five years in the joint account with appellant No. 1. Rest sum of Rs. 50,000/- shall be paid directly to appellant No. 1 to which she can encash as per her wish. Accordingly, this appeal stands disposed of.