

(1986) 09 RAJ CK 0023

In the Rajasthan High Court

Case No : Civil Miscellaneous Appeal No. 178 of 1985

Lalita and Others

APPELLANT

Vs

Devi Sahai and Others

RESPONDENT

Date of Decision : 02-09-1986

Acts Referred:

Citation : (1987) ACJ 241

Hon'ble Judges : G.M. Lodha, J

Bench : Single Bench

Advocate : G.C. Mathur, for the Appellant; G.K. Bhartiya, for the Respondent

Final Decision : Allowed

Judgement

G.M. Lodha, J.—Mrs. Lalita and three others have filed this appeal against the award of the Motor Accidents Claims Tribunal, Jaipur by which an amount of Rs. 52,660/- was granted on account of accidental death of Sita Ram, husband of Lalita.

2. The appeal is for the enhancement and increase of the amount of award. It is common ground that deceased Sita Ram was only 23 years of age at the time of this fatal accident. It is also now established on record that at the time of death he was earning Rs. 276/- per month as a painter.

3. Mr. Mathur has rightly pointed out that the Tribunal has committed an error in holding that only Rs. 185/- would have been available for being utilised by the claimants as benefit to them from the income of the deceased. There is no doubt that the income of the deceased, who was a painter, would have increased immensely. Moreover he was low paid employee therefore he would have given more benefit to the members of his family. In such circumstances, looking to the facts and circumstances of the case I hold that the benefit which the claimants would have received from the deceased would have been Rs. 200/- per month.

4. The Tribunal has allowed different multipliers for the claimants, who are his

wife, son and parents. In my opinion the multiplier of 40 should be applied for all instead of employing different multipliers of different years. The son was only one year of age. Wife Lalita was 19 years of age at the time of death of the deceased and even the parents are not more than 42 years of age, so far as father is concerned and 38 years was the age of mother.

5. It would be in the interest of justice to increase the compensation by treating dependency as Rs. 200/- per month and multiplier of 40 years. The total amount would be Rs. 96,000/-, it would be increased proportionately to the claimants in proportion to the amount allowed by the Tribunal.

6. As per the decision of the Hon"ble Supreme Court in Smt. Chameli Wati and Another Vs. Municipal Corporation of Delhi and Others, the claimants would also get interest at the rate of 12 percent per annum till the date of realisation of the amount. The insurance company has deposited part of the amount and interest at the rate of 10 per cent per annum. This would be adjusted accordingly and from the date of the deposit no interest would be paid on that part of the amount. In all other respects the award of the Tribunal is confirmed, except the deduction of 15 per cent which is disallowed.

7. Consequently the appeal is accepted to the above extent only. The parties would bear their own costs for this appeal.