
(1982) 11 MP CK 0003
In the Madhya Pradesh High Court

Leelabai and Others

APPELLANT

Vs

Mahavir Prasad and Others

RESPONDENT

Date of Decision : 04-11-1982

Acts Referred:

Citation : (1985) 1 ACC 18 : (1983) ACJ 423

Hon'ble Judges : G.P. Singh, C.J;B.C. Verma, J

Bench : Division Bench

Judgement

G P. Singh, C.J.—This is an appeal against an award dated 28th November, 1979 made by the Motor Accidents Claims Tribunal.

2. Sharda Prasad who was a milk vendor died in a motor accident on 27th May 1978. The appellants who are widow, children and parents the Tribunal. The Tribunal has allowed Rs. 8,000/- as compensation to the appellants. The appellants have filed this appeal for enhancement of the award.

3. The Tribunal has recorded a finding that the driver of the motor vehicle was negligent. There is no cross appeal. The finding, therefore, has to be accepted for decision of this appeal. The Tribunal has also found that the deceased was earning Rs. 225/- per month. The Tribunal has further held that the deceased must have been spending Rs. 100/- per month on his family and the rest on himself We accept the finding that the deceased was earning Rs. 225/- per month. However, having regard to the number of members of the family, we are of opinion that the deceased must have been spending about Rs. 150/- per month on the members of his family, i.e. the appellants. The loss of dependency thus works out to Rs. 1,800/- per year. The deceased was aged 24. The proper multiplier, in the circumstances, would be 18. The total compensation for the loss of dependency thus works out to Rs. 32,400/-. We further award a sum of Rs. 2,600/- for pain and suffering to the deceased. The total compensation payable to the appellants thus comes to Rs. 35,000/-. This entire amount would be payable by the Insurance Company, respondent No. 3, as its liability is upto Rs. 50,000/-.

4. The appeal is allowed. We order that instead of Rs. 8,000/- the appellants will be entitled to receive Rs. 35,000/- as compensation from respondent No. 3, the Insurance Company. This amount will carry interest at the rate 6% from the date of the application, i.e. 1st August 1978, made before the Tribunal till payment. The appellants will also get their costs of both the Courts.