

(2001) 11 AHC CK 0024
In the Allahabad High Court
Case No : F.A.F.O. No. 466 of 2001

Managing Director, U.P. State Road Transport Corporation	APPELLANT
Vs	
Anjila Devi and Others	RESPONDENT

Date of Decision : 26-11-2001

Acts Referred:

Citation : (2003) ACJ 911

Hon'ble Judges : Sudhir Narain, J; R.B. Misra, J

Bench : Division Bench

Advocate : Ajay Singh, for the Appellant;

Final Decision : Dismissed

Judgement

Sudhir Narain and R.B. Misra, JJ.—This appeal is directed against the order of the Motor Accidents Claims Tribunal dated 23.5.2001 awarding a sum of Rs. 3,13,000 as compensation to claimants-respondents.

2. The claim petition was filed with the allegations that Dilip Singh, while going on cycle, was dashed by the bus of the appellant. He was aged about 22 years at the time of his death and was earning Rs. 2,200 per month by selling vegetables, etc. The claim petition was contested by the appellant on the ground that the accident was not caused by the Corporation bus in question. The Tribunal recorded a finding that the accident was caused due to rash and negligent driving by the bus driver of the appellant and on assessment the Tribunal found that the deceased was earning Rs. 2,200 per month and applying the multiplier of 17, awarded a sum of Rs. 3,13,000 as compensation.

3. We have heard Mr. Ajay Singh, the learned Counsel for the appellant who has assailed the finding recorded by the Tribunal. It is urged that there was no evidence to prove that the bus in question was involved in the accident. We have seen the judgment of the Tribunal and the materials placed before us. The finding has been recorded on the evidence adduced by the parties. We do not find any illegality in the finding recorded by the Tribunal.

4. Learned Counsel for the appellant then urged that the amount of compensation awarded is too excessive. The Claims Tribunal has found that the deceased was aged about 22 years. He died leaving behind him, his widow, mother, sister and brothers. Out of the total income of the deceased reduced by 1/3rd and applying multiplier of 17, the Tribunal has awarded a sum of Rs. 3,13,000 as compensation. The amount awarded is not excessive.

5. In view of the above, the appeal is dismissed.

6. The amount of Rs. 25,000 deposited in this court by the appellant shall be remitted to the Tribunal within one month from today by the Registry and shall be adjusted in the deposits to be made by the appellant.