

(2002) 01 JH CK 0062

In the Jharkhand High Court

Case No : Misc. Appeal No's. 50 and 100 of 2001

Md. Ayub and Others

APPELLANT

Vs

Gopal Prasad Yadav and Others
 Oriental Insurance
Company Ltd. Vs Md. Ayub and Others

RESPONDENT

Date of Decision : 28-01-2002

Acts Referred:

Motor Vehicles Act, 1988 — Section 163

Citation : (2002) 01 JH CK 0062

Hon'ble Judges : Vishnudeo Narayan, J; Gurusharan Sharma, J

Bench : Division Bench

Advocate : Arvind Kumar Lall, for the Appellant; Basav Chatterjee, for the Respondent

Judgement

1. Against common judgment and award passed u/s 163-A of the Motor Vehicles Act, 1988. Compensation Case No. 35 of 1995, the claimants have preferred M.A. No. 50 of 2001 for enhancement of the compensation amount, whereas the Insurance Company has filed M.A. No. 100 of 2001 challenging the said award mainly the rate of interest given in the award. Hence, both appeals have been heard together and are being disposed of by common order.

2. On 11.12.1995, while travelling by his auto-rickshaw (BR-14A-4691) from Ichardags to Ranchi carrying Agarbattis there. Md. Eqbal son of Md. Ayub. aged about 29 years of Beldor Mohalla of Ranchi town lost his life. when a Mini-bus (BPN-9901) came from behind and knocked his delivery van. His parents filed Claim Case No. 35 of 1995. u/s 163 of the Motor Vehicles Act, 1988 and the Tribunal on the basis of material brought on record assessed annual dependency at Rs. 15,600/- and considering age of the parents applied 11 multiplier thereto and amount of compensation was. thus, calculated at Rs. 1,71,600/-. A sum of Rs. 2500/- for loss of estate and a sum of Rs. 2000/- for funeral expenses was also given to the claimants. The Tribunal also granted interest @12% per annum on the aforesaid compensation amount.

3. We do not find any reason to interfere with the impugned award. However, following ratio of a recent decision of the Supreme Court of India in Smt. Begum and Ors. v. The New India Assurance Co. Ltd. and Ors., 2001 (1) JLJR 322 SC, rate of interest is reduced from 12% to 9% per annum. Balance amount with interest must be paid within one month.

4. Both appeals are disposed of with aforesaid modification in the impugned judgment and award.