

(2025) 04 JH CK 1296
In the Jharkhand High Court
Case No : Misc. Appeal No.353 Of 2016

Most Meena Devi, W/o Late Ganesh Singh	APPELLANT
Vs	
Manager, New India Insurance Company Ltd	RESPONDENT

Date of Decision : 02-04-2025

Acts Referred:

Motor Vehicle Act, 1988 — Section 166

Citation : (2025) 04 JH CK 1296

Hon'ble Judges : Gautam Kumar Choudhary, J

Bench : Single Bench

Advocate : Pradeep Kumar Prasad, G.C. Jha

Final Decision : Dismissed

Judgement

Gautam Kumar Choudhary, J

1. The appellants/ claimants are in appeal for enhancement of the compensation amount awarded by learned Presiding Officer, Motor Accident Claim Tribunal, Hazaribagh, in Claim Case No.220 of 2010 under Section 166 of the M.V. Act for the death of one Ganesh Singh, who died in a motor vehicle accident while driving a motorcycle being JH 02F 2934 which met with an accident with Tractor bearing registration no.JH 02G 6241.
2. It is submitted by learned counsel for the appellants/claimants that learned Tribunal has not awarded compensation under the head of future prospect and further only Rs.3300/- has been taken as monthly income of the deceased.
3. Learned counsel for the owner of the offending vehicle/respondent no.2 has submitted that liability under the conventional head has been granted as Rs.2,25,000/- which is not as per the settled law.
4. Accordingly, final compensation will work out taking age of the deceased to be 43 years and Rs.39,600/- as Annual income, 1/3rd as personal and living expense while taking three dependents and multiplier as 14, as such, the final

compensation amount will be as under :-

Annual Income

Rs.39,600/-

Annual dependency after deducting 1/3rd ie Rs.13,200/-on the living and personal expenses of the deceased

Rs 26,400/-

Loss of dependency on taking a multiplier of 14

Rs.3,69,600/-

Future prospect @ 25%

Rs. 92,400/-

Conventional head

Rs.84,000/-

Total

Rs.5,46,000/-

5. As the compensation of Rs.5,94,600/- awarded by the learned Tribunal, is more than the award which could have been allowed in the light of the judgment of the Apex Court in the case of National Insurance Company Ltd. vs. Pranay Sethi, reported in (2017) 16 SCC 680 and no appeal has been preferred by the Insurance Company against the said award, therefore, instant Miscellaneous Appeal for enhancement of compensation, stands dismissed. Interlocutory Application, if any, is disposed of.

It goes without saying that the amount already paid shall be deducted in final compensation amount.