(2005) 07 MP CK 0099

In the Madhya Pradesh High Court

Nar Singh and Others APPELLANT

Vs

Suroo @ Surap Singh and Others RESPONDENT

Date of Decision : 01-07-2005

Acts Referred:

Citation : (2005) 3 ACC 891

Hon'ble Judges : N.K. Mody, J

Bench : Single Bench

Judgement

N.K. Modi, J.—Being aggrieved by the inadequate amount of the award Rs. 1,08,400/-, the present appeal has been filed.

2. Learned Counsel for the appellant submits that the deceased was of the age of 21 years. The income of the deceased was @ Rs. 60/- per day. It is submitted that the multiplier of 13 has been applied while multiplier of 17 ought to have been applied. Similarly the income of the deceased has been assessed on the basis that the deceased was working 20 days in a month and was earning Rs. 1,000/-per month as held by the Tribunal.

3. Learned Counsel for the appellant submits that even in case of person who was not working notional income has been assessed as Rs. 15,000/- per year. After examining the record it is found that income of the deceased has been assessed as Rs. 10,000/- per year and after deducting the dependency the income of the deceased has been assessed @ Rs. 7,800/- per year. After applying the multiplier of 13, which comes to Rs. 1,01,400/- has been allowed as compensation. Apart from this Rs. 2,000/- as funeral expenses, Rs. 5,000/- as consortium has been awarded, totalling to Rs. 1,08,400/-. Since the multiplier has wrongly been applied and the income has also been assessed on the lower side. Accordingly the award is modified and the multiplier of 17 has to be applied and income of the deceased has to be assessed @ Rs. 15,000/- per year. After this application of multiplier of 17 and after enhancing the income of the deceased @ Rs. 15,000/-per year the total amount is enhanced from Rs. 1,08,400/- to Rs. 2,00,000/-, Which shall carry interest @ 8% and which shall

also include all the heads.

4. With the aforesaid modification the appeal stands disposed of.

