(2000) 01 PAT CK 0041

In the Patna High Court

Case No : M.A. No. 148 of 1998 (R)

New India Assurance Co. Ltd. APPELLANT

Vs

Suraj Hembran and Others RESPONDENT

Date of Decision : 21-01-2000

Acts Referred:

Citation : (2000) 3 BLJR 1883

Hon'ble Judges : P.K. Deb, J

Bench : Single Bench

Final Decision : Allowed

Judgement

P.K. Deb, J.—This appeal has been preferred by the appellant-Insurance Company against the judgment and award dated 14th July, 1998 passed by the 1st Additional District Judge-cum-Motor Accident Claims Tribunal, Jamshedpur, in Compensation Case No. 53/70 of 1993-95 granting compensation to the tune of Rs. 1,87,800/- with interest at the rate of 12% per annum.

2. The grievance of the appellant is only in respect of quantum of compensation granted by the Tribunal concerned. The deceased was a mason and he was in the age group of 30 to 35 years. The earning of the deceased was determined at Rs. 1,200/- per month and 1/3rd of the amount had rightly been deducted towards personal expenses but in calculating the same, in place of Rs. 800/-, the same was determined at Rs. 900/- per month. If the dependency is Rs. 800/- per month, then the annual dependency comes to Rs. 9,600/-. Considering the age group of the deceased, multiplier of 16 had rightly been applied and the amount of compensation comes to Rs. 1,53,000/- and odd but the Tribunal on wrong conclusion had come to the compensation towards dependency at Rs. 1,72,800/- and over and above, he has granted compensation of Rs. 15,000/- for loss of love and affection of the deceased. It has now become a settled principle of law that when the multiplier is applied then the compensation on other heads such as loss of consortium, love and affection of the deceased and others are not to be calculated and added with the compensation on multiplier method. It is also the

settled principle that the award of compensation should be such that if the amount is kept in a nationalised Bank under the Fixed Deposit Scheme then the amount of interest should come in such away that the monthly dependency remains intact in favour of the claimants. Considering the future expectency of increasing the income of the deceased, I hold and find that a sum of Rs. 1,35,000/- would be the proper compensation in the present case. If such amount is being deposited in the nationalised Bank under the Fixed Deposit Scheme, then a sum of Rs. 1,350/- would be coming monthly to the claimants which would be proper and just towards the monthly dependency considering the increased income of the deceased on future expectency.

3. Thus, the appeal is allowed to the extent of quantum of compensation alone by reducing it from Rs. 1,57,000/- to Rs. 1,35,000/-. The rate of interest and others as has been put by the learned Tribunal shall remain intact.

