

(2006) 02 RAJ CK 0112
In the Rajasthan High Court

Prem Devi and Others

APPELLANT

Vs

Kurcha Ram and Others

RESPONDENT

Date of Decision : 21-02-2006

Acts Referred:

Motor Vehicles Act, 1988 — Section 171

Citation : (2006) 3 ACC 369

Hon'ble Judges : Khem Chand Sharma, J

Bench : Single Bench

Judgement

K.C. Sharma, J.—Through this appeal u/s 171 of the Motor Vehicles Act, 1988, the appellants seek to modify the award dated 18.10.1993 passed by the learned Judge, Motor Accident Claims Tribunal, Sikar, whereby the learned Judge has awarded a sum of Rs. 2,01,600.

2. I have heard learned Counsel for the parties and gone through the award sought to be modified. The learned Judge, on consideration of evidence and material available on record and having concluded that the accident took place on account of rash and negligent driving of tractor No. DEG 1761 by its driver, respondent No. 1 has awarded a sum of Rs. 2,01,600 under the various heads, making the respondents liable to pay the award amount to the claimants, jointly and severally.

3. A perusal of the award sought to be modified shows that in awarding compensation, the learned Judge, after considering the evidence, both ocular and documentary has assessed his gross income at Rs. 900 per month at the time of accident and after deducting 1/3rd of income for his personal expenses and having assessed his net income at Rs. 600 p.m., applied multiplier of 28, inasmuch the deceased was a teacher and had he survived, he would have worked for 28 years, calculated net contribution of deceased to his dependents at Rs. 2,01,600 and after deducting Rs. 15,000 already paid to the dependents as interim compensation, awarded a sum of Rs. 1,86,600 against the loss of income of deceased to his dependents. That apart, the Tribunal has further awarded Rs.

15,000 as against loss of love and affection. In my considered view, the learned Tribunal in making the aforesaid award has evaluated the evidence in true perspective and, therefore, the award sought to be modified needs no interference.

4. Consequently, the appeal has no merit and is hereby dismissed, with no order as to costs.