

(2005) 12 CHH CK 0013
In the Chhattisgarh High Court

Pusaiya Bai and Others

APPELLANT

Vs

Beni Ram Verma and Others

RESPONDENT

Date of Decision : 20-12-2005

Acts Referred:

Citation : (2006) 2 ACC 460 : (2007) ACJ 643

Hon'ble Judges : S.R. Nayak, C.J.; Satish K. Agnihotri, J

Bench : Full Bench

Judgement

S.R. Nayak, C.J.—Should we say that as we read the impugned award it reflects total ignorance of the settled principles of law governing computation of compensation on the part of the learned Presiding Officer of the Tribunal? He does not seem to have been aware of the norms and principles governing the process of computing just and reasonable compensation in a death case. We are constrained to use this strong language. The M.A.C.T. having taken daily income of the deceased as Rs. 85, ought to have applied multiplier method for computing loss of dependency. If daily income of deceased was Rs. 85, which we round off to Rs. 90 and if we deduct one-third from that income for personal expenses, the actual loss of dependency per day would be Rs. 60. As per the post-mortem report, the age of the deceased was 60 years and, therefore, the appropriate multiplier to be applied is 8. Thus, total loss of dependency would come to Rs. 1,72,800 (Rs. 60 x 30 x 12x8). To this we add sum of Rs. 20,000 for "loss of consortium" and Rs. 20,000 for "loss to the estate" and Rs. 5,000 towards "funeral expenses".

2. In the result and for the foregoing reasons, we allow the appeal in part and in substitution of the impugned award passed by the M.A.C.T., we award total compensation of Rs. 2,17,800 under the following heads:

Loss of dependency	Rs. 1,72,800	Loss of consortium	Rs. 20,000	Funeral expenses	Rs. 5,000	Loss to estate	Rs. 20,000	_____	Total	Rs. 2,17,800	_____
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with interest at the rate of 6 per cent per annum from the date of the claim petition till payment.

3. The insurance company shall deposit the balance compensation money before the M.A.C.T. within 6 weeks from today. On such deposit being made, the M.A.C.T. shall disburse/invest the compensation money in the same proportions as specified by it in the impugned award.

4. In the facts and circumstances of the case, both the parties are directed to bear their respective costs in this appeal.