
(2005) 03 RAJ CK 0039

In the Rajasthan High Court

Case No : Special Appeal (Civil) No. 105 of 1997

Rajasthan State Road Transport Corporation

APPELLANT

Vs

Godu Ram and Others

RESPONDENT

Date of Decision : 18-03-2005

Acts Referred:

Rajasthan High Court Ordinance, 1949 — Section 18

Citation : (2005) 2 RLW 1374

Hon'ble Judges : S.K. Keshote, J;Ajay Rastogi, J

Bench : Division Bench

Advocate : Manish Bhandari, for the Appellant; Ram Singh, for the Respondent

Judgement

S.K. Keshote, J.—This appeal u/s 18 of the Rajasthan High Court Ordinance, 1949 is directed against the judgment dated 10.4.1997 of the learned Single Judge in S.B. Civil Misc. Appeal No. 621/1995.

2. Heard learned counsel for the parties and perused the entire record of the case.

S.B. Civil Misc. Appeal No. 621/1995 was Filed by the claimant respondents against the award dated 31.03.1995 of the learned Motor Accident Claims Tribunal, Jaipur District, Jaipur (for short, "the Tribunal") in MACT Case No. 665/1992; the learned Tribunal under the award aforesaid awarded a sum of Rs. 96,000/- as compensation to the claimant respondents on various counts.

3. Briefly stated the facts of the case are that deceased Mangal was travelling in a Jeep alongwith some of his friends and relations from Jaipur to Dausa. On arrival of the Jeep near Kanota, suddenly a bus bearing No. RNE 8307 driven by respondent No. 5 Devi Charan (the bus driver), rashly and negligently, came from opposite side and hit the Jeep, as a result thereof six persons died and some persons sustained injuries. The deceased was the son of claimant respondent Nos. 1 and 2, he was aged 22 years and Class IV employee in the Government service.

4. On appeal the amount of compensation has been enhanced in favour of the claimant respondents on two counts; economic dependency has been taken higher than as what it was taken by the learned Tribunal; and, multiplier of 18 has been adopted instead of 10. The deceased was the young person of 22 years. He was in permanent Government service and thus rightly the learned Single Judge has taken into consideration his future prospects of increase in the salary, which is bound to be in the case of a Government servant. In the judgment of the learned Single Judge we do not find any error, which calls for our interference therein.

5. However, we find sufficient merit in the contention of the learned counsel for the non-claimant appellant the awarding to interest at the flat rate of 12% per annum from the date of claim on the amount of compensation is towards the higher side. The judgment of the learned Single Judge is modified to the extent that the claimant respondents shall be entitled for interest on the enhanced amount of compensation at the rate of 12% from the date of the application till 31.12.2000 and at the rate of 9% from 01.01.2001 till the payment thereof.

6. The appeal accordingly stands disposed of subject to the modification aforesaid in the judgment of the learned Single Judge.