(2005) 02 RAJ CK 0088

In the Rajasthan High Court

Rajasthan State Road Transport Corporation APPELLANT

Vs

Sita Devi and Others RESPONDENT

Date of Decision : 23-02-2005

Acts Referred:
Motor Vehicles Act, 1988 — Section 163, 173

Citation : (2005) 2 ACC 294

Hon'ble Judges : J.R. Goyal, J

Bench : Single Bench

Judgement

J.R. Goyal, J.—This appeal has been preferred u/s 173 of the Motor Vehicles Act, 1988/ by the Rajasthan State Road Transport Corporation against the award dated 9.2.1994 passed by the learned Judge, Motor Accident Claims Tribunal, Beawar in the Claim Petition No. 157/1991.

2. The claimant-respondents filed claim petition for compensation before the Motor Accident Claims Tribunal, Beawar with the averments that on 20.9.1991 when Ganpat Singh (deceased), aged 38 years, was going on a bicycle on Sendra Road, a bus of appellant Corporation bearing No. RNP 1623 hit him, as a result whereof he received severe injuries and died on the spot.

3. Non-applicant Rajasthan State Road Transport Corporation contested the claim petition.

4. After trial, the Tribunal passed an award for a total sum of Rs. 1,73,600/- making the non-applicant Corporation liable to pay compensation.

6. The Corporation preferred this appeal and cross-objections were also filed by the respondents.

7. Heard learned Counsel for the parties. Learned Counsel for the appellant submitted that the accident occurred due to negligence of the deceased and, therefore, the Corporation ought not to have been made liable for the compensation. It was also argued that no specific income of the deceased has

been proved by the applicants before the Motor Accident Claims Tribunal, even then the Tribunal has assessed Rs. 800/- per month towards his contribution to the family.

8. Learned Counsel for the respondents submitted that the factum of accident and death of deceased Ganpat Singh due to rash and negligent driving of the bus owned by the Corporation was amply proved by cogent evidence. In the context of cross-objections, it was also contended by the Counsel for respondents that it was a proved case that earning of the deceased was Rs. 1,200/- per month by way of salary and he was also earning Rs. 600/- from agriculture, but the learned Tribunal assessed his income only Rs. 1,000/- per month without any basis. It was also submitted that taking into consideration the age of the deceased, which was 38 years at the time of his death, multiplier of 24 should have been adopted.

9. I have considered the rival submissions. It is not disputed that the deceased Ganpat Singh died due to the accident which took place on 20.9.1991 near Chungi Naka, Sendra Road, by a bus owned by appellant Corporation. Eye-witness Narayan Singh has deposed that driver of the bus was driving the vehicle rashly and negligently and hit the deceased Ganpat Singh, who fell down and died due to injuries. There is no reliable evidence as regards contributory negligence or that the accident occurred due to negligence of the deceased. Therefore, in my opinion, Tribunal has correctly appreciated the evidence produced on this issue.

10. Learned Tribunal assessed the income of the deceased as Rs. 1,000/- per month, which cannot be said to be unjust on surmises and conjectures. In my opinion, the learned Judge, Motor Accident Claims Tribunal, Beawar gave his findings after critical examination of the evidence produced, which appears to be just and reasonable. Thus, no interference is called for on this issue.

11. So far the objection regarding multiplier is concerned, it is not disputed that the age of Ganpat Singh was 38 years at the time of his death. The Tribunal adopted multiplier of 16 while assessing the compensation, which appears to be in accordance with the second schedule u/s 163 of the Motor Vehicles Act, 1988. Therefore, on this issue also, no interference is called for.

12. Thus, on the basis of the aforesaid discussion, I find no justifiable ground to interfere with the findings of the Tribunal. Consequently, the appeal of the appellant Corporation and cross-objections filed by the respondents are dismissed.

