
(2005) 12 CHH CK 0014
In the Chhattisgarh High Court

Santoshi Das and Others

APPELLANT

Vs

Gautam Meshram and Others

RESPONDENT

Date of Decision : 15-12-2005

Acts Referred:

Citation : (2006) 2 ACC 596 : (2007) ACJ 475

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

Bench : Full Bench

Judgement

S.R. Nayak, C.J.—The dependants of the deceased have filed this appeal for more compensation.

2. Mr. Verma, learned counsel for the appellants would contend that even taking the age of the deceased on the date of the accident as 45 years, as has been done by the Motor Accidents Claims Tribunal (in short, "the Tribunal"), the Tribunal ought to have applied multiplier 15 and not multiplier 11 for assessing loss of dependency. The contention is well founded. If the age of the deceased was 45 years as on the date of accident, as per Second Schedule, the Tribunal ought to have applied multiplier 15. It was also contended by Mr. Verma that Tribunal is not justified in not awarding any compensation towards "loss of love and affection" for the minor children. Further, it was contended by learned counsel that what is awarded under the head "loss of consortium" and "loss to estate" are on lower side. Here again, we find some force in the contention. Even the compensation to be awarded by the Tribunal under the conventional heads should not be static for all the time, because that compensation would also form part of the compensation. In other words, the compensation to be awarded by the Claims Tribunal under the conventional heads should reflect time and place and the steep fall in money value. In that view of the matter, we award a sum of Rs. 20,000 towards "loss of consortium" to the widow and Rs. 20,000 towards "loss of love and affection" to the minor children and another Rs. 20,000 towards "loss to the estate". If we apply multiplier 15, the loss of dependency would be Rs. 3,60,000 (Rs. 2,000 x 12 x 15).

3. In the result and for the foregoing reasons, we allow the appeal in part and in substitution of the impugned award, we award total compensation of Rs. 4,22,000 under the following heads:

Loss of dependency Rs. 3,60,000 Loss to estate Rs. 20,000 Loss of consortium
Rs. 20,000 Loss of love and affection Rs. 20,000 Funeral expenses Rs. 2,000
----- Total Rs. 4,22,000 -----

with interest at the rate of 6 per cent per annum from the date of the claim petition till payment. The insurance company shall deposit the balance of compensation money before the Tribunal within a period of six weeks from today. On such deposit being made, the Tribunal shall invest/disburse the compensation money in the same proportion as it has specified in the impugned award.