
(1999) 07 MP CK 0022
In the Madhya Pradesh High Court
Case No : M.A. No. 1066 of 1995

Shyam Bai and Others

APPELLANT

Vs

Raj Bahadur and Others

RESPONDENT

Date of Decision : 13-07-1999

Acts Referred:

Citation : (2001) ACJ 408

Hon'ble Judges : Usha Shukla, J;D.M. Dharmadhikari, J

Bench : Division Bench

Final Decision : Allowed

Judgement

Usha Shukla, J.—The claimants are the widow and minor children of Shiv Baher who died in an automobile accident on 4.1.1995. The Third Additional Motor Accidents Claims Tribunal, Satna awarded Rs. 88,000 as compensation for his death. They have filed this appeal for enhancement of compensation.

2. The learned counsel for the appellants argued that Tribunal miscalculated their dependency and also went wrong in making a deduction of 1/3rd from the final amount calculated by it as their dependency including loss of consortium. The learned counsel for the respondents tried to justify the award.

3. A perusal of the record shows that the deceased was aged 40 years at the time of the accident. He was a lower division clerk in the office of the Commissioner, Land Acquisition and Rehabilitation, Ban Sagar Project. His salary was Rs. 1,834 per month, as per certificate Exh. P1. He would have earned increments and promotions in due course and would have got the benefit of revision of pay from time to time. His income should, therefore, be taken to be Rs. 3,000 per month. Allowing a deduction of 1/3rd for personal living expenses the dependency of the claimants would come to Rs. 2,000 per month or Rs. 24,000 per annum. Looking to the age of the deceased and that of his heirs a multiplier of 12 would be appropriate. The compensation would thus work out to Rs. 2,88,000. To this we would add Rs. 5,000 as loss of consortium, Rs. 2,000 as

funeral expenses and Rs. 2,500 as loss to the estate. The total compensation would thus come to Rs. 2,97,500. The appellants would, therefore, be entitled to get a sum of Rs. 2,97,500 with interest at the rate of 12 per cent per annum from the date of application till realisation.

4. The insurance company, respondent No. 2, is directed to deposit the aforesaid amount less the amount already deposited within a period of two months from the date of supply of the certified copy of this order failing which the amount shall carry interest at the rate of 15 per cent per annum. On deposit the amount shall be disbursed to the appellants keeping in mind the well settled guidelines laid down by the Apex Court.

5. In the result, the appeal is allowed with costs. The award of the Tribunal shall be substituted as indicated herein above. Counsel's fee Rs. 1,000, if pre-certified.