

(2025) 11 JH CK 1912

In the Jharkhand High Court

Case No : Miscellaneous Appeal No. 227 Of 2018

Sirajul Ansari

APPELLANT

Vs

Anup Kumar Srivastav

RESPONDENT

Date of Decision : 12-11-2025

Acts Referred:

Motor Vehicle Act, 1988 — Section 166

Citation : (2025) 11 JH CK 1912

Hon'ble Judges : Gautam Kumar Choudhary, J

Bench : Single Bench

Advocate : P.C. Sinha, Bihash Sinha

Final Decision : Disposed Of

Judgement

Gautam Kumar Choudhary, J

1. Claimants are in appeal for enhancement of compensation awarded under Section 166 of the Motor Vehicle Act in Motor Accident Claim Case No.43 of 2014 by District Judge II -cum- MACT, Giridih for death of Sabir Ansari in a motor vehicle accident while he was working as Cleaner in a pick-up van bearing registration no.JH 01AY 5172.

2. The finding of facts rendered by the learned trial Court regarding accident is not in challenge. The instant appeal is preferred on the ground that the deceased was a Cleaner with monthly income of Rs.8000/- and the witnesses also deposed that he was earning Rs.8000/- per month, but despite this, the learned Tribunal has accepted income of deceased to be Rs.3000/-. Further, no loss of earning under the head of future prospect has been allowed and under conventional head only Rs.30,000/- has been awarded.

3. It is argued by the learned counsel on behalf of appellants that even if the oral evidence with regard to income of the deceased was not accepted, it was incumbent on the part of the Tribunal to have taken the monthly income of the deceased on the basis of the admissible daily wage for a unskilled labour which

was Rs.127/- per day at the relevant time of accident.

4. Learned counsel on behalf of Insurance Company defended the impugned order. He has however not disputed the factual assertions with regard to loss of earning under future prospect having not been awarded by the Tribunal.

5. Having heard learned counsel on behalf of both sides and on perusal of the materials on record, I find that the learned Tribunal has accepted the occupation of the deceased to be a Cleaner, therefore, there is merit in the plea of the appellants that the income should have been assessed as per the minimum wages which will roughly work out to Rs.3500/-. Taking Rs.3500/- as the monthly income, age of the deceased 18 years for which multiplier of 18 will be applicable, future prospect 40% and since the deceased was unmarried at the time of accident dependency will be 50% of the total income, conventional head Rs.77,000/-, interest @ 7.5% per annum, the final compensation will be as under: -

Annual Income Rs.3500/- x 12

Rs.42,000/-

Annual dependency after deducting 50% on the living and personal expenses of the deceased, Rs.42,000/- - Rs21,000/-

Rs.21,000/-

Loss of dependency on taking a multiplier of 18, Rs.21,000/- X 18

Rs3,78,000/-

Future prospect @ 40%

Rs.1,51,200/-

Conventional head

Rs.77,000/-

Total

Rs.6,06,200/-

6. Under the circumstance, the Insurance Company is directed to make payment of Rs.6,06,200/- with interest @ 7.5% from the date of filing of the claim application, within a month of the order, which shall be disbursed to the claimants by the Tribunal on terms fixed by it. It goes without saying that amount which has already been paid, will stand deducted.

Miscellaneous Appeal is disposed of. Interlocutory Application, if any, is disposed of.