
(2008) 03 RAJ CK 0078
In the Rajasthan High Court

Smt. Sunita Jain and Others

APPELLANT

Vs

Surendra Singh Yadav and Others

RESPONDENT

Date of Decision : 26-03-2008

Acts Referred:

Motor Vehicles Act, 1988 — Section 173

Citation : (2008) 03 RAJ CK 0078

Hon'ble Judges : K.S. Rathore, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

K.S. Rathore, J.—The instant civil misc. appeal u/s 173 of the Motor Vehicle Act, 1988 has been preferred by the claimants/appellants for enhancement of the compensation awarded by the Motor Accident Claims Tribunal, Jaipur (for short the Tribunal") vide impugned Award dated 30.09.1996 passed in Claim Case No. 153/1993, whereby compensation to the tune of Rs. 5,83,400/- has been awarded in favour of the claimants/appellants.

2. The enhancement of the compensation has been claimed by the claimants/appellants on the ground that looking to the age of the deceased, the compensation awarded by the Tribunal is on very lower side which ought to have been enhanced. It is further submitted that future prospects have also not been properly considered by the Tribunal while passing the impugned Award.

3. The main submission on behalf of the appellants is that admittedly the deceased was 35 years of age at the time of the accident and the Tribunal while granting compensation has not applied the correct multiplier.

4. In support of his submission, learned Counsel for the claimants/appellants placed reliance on the judgment rendered by the Hon'ble Supreme Court in the case of Tamil Nadu State Transport Corporation Ltd. v. S. Rajapriya And Ors. reported in 2005 (2) T.A.C. 305 (S.C.).

5. He also referred the judgment of the Hon''ble Supreme Court rendered in the case of General Manager, Kerala State Road Transport Corporation, Trivandrum Vs. Mrs. Susamma Thomas and others, wherein the Hon''ble Supreme Court has held that "Motor Accident-Compensation Determination It must be just, fair and reasonable Multiplier method of computation, held, is proper, logically sound and well established method for determining first compensation Departure from, justified only in rare and extraordinary circumstances and very exceptional cases."

6. Similar principle has been laid down by the Hon''ble Supreme Court in the case of Manju Devi and Anr. v. Musafir Paswan and Anr. 2005 (1) T.A.C. 609 (S.C.), wherein the Hon''ble Supreme Court has held that Quantum of Compensation Principles of assessment of just compensation Multiplier method Must be accepted for determining and ensuring payment of just compensation as multiplier method bring uniformity and certainty of awards made all over the country.

7. I have heard rival submissions of the respective parties and carefully gone through the relevant record as well as the impugned Award dated 30.09.1996 passed by the Tribunal as also the judgments referred before this Court by the learned Counsel appearing for the claimants/appellants.

8. A bare perusal of the impugned Award passed by the Tribunal reveals that while considering the claim of the appellants it is averred by the claimants/appellants that at the time of the accident deceased Mahaveer Prasad Jain was 35 years of age and he was working in the firm M/s Roop Sons and was earning Rs. 12,000/- per month. The Tribunal after considering the submissions made on behalf of the claimants/appellants, assessed the income of the deceased as Rs. 4,500/- per month and after deducting Rs. 900/- per month for self expenditure, Rs. 3600/- was considered as income of the deceased per month and applied the multiplier of 12 and after considering each and every aspect and the age and income of the deceased, the Tribunal has awarded just and reasonable compensation to the tune of Rs. 5,83,400/- in favour of the claimants/appellants.

9. In view of the ratio decided by the Hon''ble Supreme Court, it is only to be seen whether at the time of passing award the Tribunal has rightly used the multiplier or not and considered each and every aspect or not, and in the instant case, the Tribunal has applied correct multiplier and considering the age and income of the deceased, awarded just and reasonable compensation to the tune of Rs. 5,83,400/- in favour of the appellants and the same requires no Interference by this Court. The claimants/appellants utterly failed to make out any case for enhancement of compensation.

10. Consequently the present civil misc. appeal seeking enhancement of compensation fails being devoid of merit and the same is hereby dismissed with no order as to costs.

11. Record be sent back.