

(2005) 03 RAJ CK 0078

In the Rajasthan High Court

Case No : Civil (MAC) Appeal No. 519 of 1995

Soni Devi and Others

APPELLANT

Vs

Ramesh Chandra and Others

RESPONDENT

Date of Decision : 22-03-2005

Acts Referred:

Motor Vehicles Act, 1988 — Section 173

Citation : (2005) 2 CivCC 666

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

Bench : Single Bench

Advocate : Vinay Mathur, for the Appellant;

Final Decision : Allowed

Judgement

J.R. Goyal, J.—Instant appeal has been preferred u/s 173 of the Motor Vehicles Act, 1988 for enhancement of the compensation awarded by the Motor Accident Claims Tribunal on 28.02.1995 in MACT Case No. 616/1992.

2. Brief facts giving rise to the present appeal are that on 01.03.1992 Trilok Chand, deceased, was going towards Baisgodam from Imliwala Phatak. One Jeep bearing registration No. RJ-14 T 0254, being rashly and negligently driven, hit Trilok Chand as a result of which he died on the spot.

3. In the claim petition filed by the wife and other relatives of deceased Trilok Chand, the Motor Accident Claims Tribunal awarded compensation to the tune of Rs. One lakh. Aggrieved on the ground of inadequacy, this appeal has been preferred

4. It has been contended on behalf of the appellants that deceased Trilok Chand was a skilled labourers in the held of civil construction (Karigar) and was earning about Rs. 3,000/- per month. But the Tribunal, without considering the material on record and without adopting the multiplier method, awarded a meager compensation of Rs. one lakh nine thousand five hundred in lump sum. It was also submitted that at the time of death, age of Trilok Chand was 20 years thus

multiplier of 16 should have been adopted as provided under the Motor Vehicles Act.

5. I have heard learned Counsel for the appellants and perused the material placed on record. It is settled proposition of law that while assessing the compensation, method of multiplier should be adopted. In *Manju Devi & Anr. v. Musafir Paswan & Anr.*, reported in 2005 ACJ 99, the Apex Court observed that "award of compensation should be made by multiplier method as it ensures payment of just compensation and it brings uniformity and certainty to the awards". In the instant case, age of deceased Trilok Chand was 20 years. He was said to be a skilled labourers. But keeping in view that no independent evidence has been led to prove this fact as also regarding his per month's income, at-least Rs. 15,000/- per annum should have been considered as notional income of deceased Trilok Chand as per Second Schedule to the Motor Vehicles Act, 1988. Deducting the usual one-third amount as personal expenses, loss of dependency comes to Rs. 10,000/- per annum. Considering the provisions of Second Schedule to the Act as the guideline, multiplier of 16 would serve the purpose to meet the ends of justice in the instant case. Thus, the total loss of dependency comes to Rs. 10,000 x 16 = Rs. 1,60,000/-. A sum of Rs. 5,000/- would be just for the loss of consortium to the wife of the deceased; and Rs. 5,000/- as funeral expenses. The net amount of compensation, therefore, comes to Rs. 1,70,000/-

6. Consequently, the appeal is partly allowed and the award of the learned Tribunal is modified and compensation is enhanced from Rs. 1 lakh nine thousand five hundred to Rs. 1,70,000/-. The appellants are entitled to get interest on the enhanced amount at the rate of 6% per annum, from the date of filing of the claim petition. The enhanced compensation along with the interest amount shall be given to the wife of deceased Trilok Chand Smt. Soni Devi, after adjusting the amount if already paid as per the award of the Tribunal, within a period of three months from today.