

(2000) 08 MP CK 0022
In the Madhya Pradesh High Court

State of Madhya Pradesh and Another	Vs	APPELLANT
Ananta Shukla and Others		RESPONDENT

Date of Decision : 07-08-2000

Acts Referred:

Citation : (2002) 3 ACC 635

Hon'ble Judges : Bhawani Singh, C.J.; A.K. Mishra, J

Bench : Division Bench

Judgement

Bhawani Singh, C.J.—This appeal is directed against the award of the Motor Accident Claims Tribunal, Chhatarpur, dated 14.10.1999.

2. Claimants are widow and daughter of the deceased Rajeev Lochan Shukla. The accident took place on 6.6.1995 at 10 p.m. when the deceased and Krishna Kumar Kushwaha were going on a scooter from Bijawar Naka to the crossing of Post Office. The offending Jeep No. 9497, driven rashly and negligently by Tilak Raj Soni, hit the scooter. Tilak Raj Soni was intoxicated at this time and as a result of this accident, both Rajeev Lochan and Krishna Kumar fell down resulting in the death of Rajeev Lochan and serious injuries to Krishna Kumar. The matter was reported to the police and a case was registered.

3. At the time of the accident, Rajeev Lochan was 32 years old. He was earning Rs. 4,003/- p.m. But for the accident, he would have continued in service for 28 years and earned Rs. 12,95,008/- and earned promotion to the level of Headmaster earning Rs. 6,000/- p.m. He used to spend Rs. 200/- on the scooter and remaining on the family. An amount of Rs. 12,000/- was spent on his last rites and Rs. 20,000/- for repair of the scooter, besides mental pain and suffering Rs. 2,00,000/-. Thus total compensation of Rs. 18,81,808/- has been claimed.

4. The defence taken is that the driver of the jeep was Laloo Ram Raikwar and it was parked at Forest Inspection Kuteer during the night. The key of the vehicle was taken by Tilak Raj Soni unauthorisedly and appellants are not responsible for making payment. Rest of the allegations have been denied. Tilak Raj has stated

that he had gone to Raipur for attending the marriage of his brother-in-law and he did not cause the accident under intoxication as alleged and that he is not responsible for the same, nor for the payment of compensation.

5. The Tribunal found that the accident took place on 6.6.1995 in which the Jeep No. MPZ 9497 was involved. It was being driven rashly and negligently by the driver in which Rajeev Lochan Shukla died. He was earning Rs.4,003/- p.m. and was posted as Upper Division Teacher at Government Middle School, Mausahania. Claimants were entitled to compensation which has been awarded to the extent of Rs. 5,15,000/-.

6. Mr. N. Nagratn, learned Counsel for the State has assailed the award, primarily on the quantum of compensation assessed and paid by the Tribunal in this case. Learned Counsel submitted that the award is excessive, therefore, liable to be modified in case it is found by this Court that the accident was caused as alleged.

7. After going through the evidence in the case, we are of the opinion that the finding of the Tribunal about the taking place of the accident and holding the driver of the jeep responsible for the same is based on evidence. There is no doubt that the accident took place on 6.6.1995 by Jeep No. MPZ 9497 driven rashly and negligently resulting in the accident and death of Rajeev Lochan Shukla, who was working as an Upper Division Teacher in the Government Middle School, Mausahania at that time and earning Rs. 4,003/- p.m. as salary. After deducting Rs. 1,500/-, the dependency has been put at Rs. 2,500/-. The Tribunal has applied the multiplier of 17 in this case. We find that the calculation with respect to dependency is quite seasonable and so is the multiplier. Thus calculated, the amount of compensation assessed by the Tribunal is just and reasonable, calling for no interference in this case. The Tribunal has rightly awarded Rs. 2,000/-towards funeral expenses and Rs. 3,000/- towards consortium.

8. Consequently, there is no merit in this appeal and the same is dismissed.