
(2006) 05 MP CK 0116
In the Madhya Pradesh High Court

State of M.P. and Others

APPELLANT

Vs

Manubai and Others

RESPONDENT

Date of Decision : 03-05-2006

Acts Referred:

Motor Vehicles Act, 1988 — Section 163A, 173

Citation : (2007) 1 ACC 205

Hon'ble Judges : A.M. Sapre, J

Bench : Single Bench

Judgement

A.M. Sapre, J.—This is an appeal filed by the non-applicant/State u/s 173 of the Motor Vehicles Act against an award, dated 17.4.2002, passed by learned 1st Additional Member, Motor Accident Claims Tribunal, Shajapur in Claim Case No. 107 of 2001. By impugned award, the Claims Tribunal has awarded a total sum of Rs. 2,79,000 to the claimants for the death of one Kalu Ram. According to State i.e., non-applicant in the Tribunal, the impugned award is bad in law and hence, the same is liable to be set aside. So, the short question that arises for consideration is, whether Tribunal was justified in awarding sum of Rs. 2,79,000 to the claimants on the facts found?

2. Heard Mr. S.D. Bohra, learned Deputy Government Advocate for the appellant-State and Mr. M. Jain, learned Counsel for the respondent Nos. 1 to 4.

3. Having heard learned Counsel for the parties and having perused record of the case, I am inclined to dismiss the appeal, calling no interference in the impugned award.

4. It is a death case where one Kalu Ram, aged 35 years while in Government service (driver) died on 20.4.2001 in car accident. An application was, therefore, filed u/s 163A of the Motor Vehicles Act, claiming compensation for his death by his legal representatives out of which this appeal arises. The case was contested by State. Parties adduced evidence. However, the Tribunal partly allowed the claim petition and as mentioned supra, awarded a total sum of Rs. 2,79,000. It is

this determination which is impugned by State in this appeal.

5. In my considered view, the appellant has no case either on facts or law. Firstly, once the finding required for entertaining and allowing the claim petition u/s 163A of the Act is recorded in favour of claimants then in that event they are entitled to claim compensation on the basis of structured formula provided in the Act. In other words in order to allow the application made u/s 163A ibid, the Tribunal is required to find out as to whether accident has occurred and secondly, with motor vehicle and lastly the resultant consequence i.e., injury or death to the claimant? Once, these three things are proved on facts then the claimant is entitled to seek compensation for the loss sustained by the claimant. While deciding these three factors, the issue of negligence need not be gone into and in fact is not required to be gone into.

6. In this case, all the three ingredients were duly proved by the claimants on facts and hence, the Tribunal rightly awarded the compensation to the claimants for the death of Kalu Ram. The appellant in this appeal has made attempt to question the issue of negligence but in my humble view and as observed supra, the same cannot be gone into. So far as quantum is concerned, the same also does not call for any interference because firstly, it is based on structural formula provided in the Act and secondly, looking to the age of deceased (35 years) and his salary Rs. 2,000 per month, the compensation awarded to claimant (Rs. 2,79,000) is just, reasonable and proper, calling no interference for reduction.

7. Accordingly and in view of aforesaid discussion, the appeal fails and is dismissed.