
(2003) 07 MP CK 0070
In the Madhya Pradesh High Court
Case No : M.A. No. 155 of 2003

Suganbai and Another

APPELLANT

Vs

Subhash and Others

RESPONDENT

Date of Decision : 16-07-2003

Acts Referred:

Citation : (2004) ACJ 1075

Hon'ble Judges : S.K. Seth, J;Deepak Verma, J

Bench : Division Bench

Advocate : Sanjay Patwa, for the Appellant; S.V. Dandwate, for the Respondent

Judgement

Deepak Verma and S.K. Seth, JJ.—A young girl aged 16 years met with the tragic death when the respondent No. 1 while driving tractor-trolley, could not control it while negotiating the turn, as a result, the trolley turned turtle. The deceased was standing on the road, came beneath it and died on account of the said accident.

2. The appellants are the parents of the deceased Mamta. At the time of accident she was only 16 years old.

3. The Tribunal below, on the basis of the evidence has awarded only an amount of Rs. 1,00,000 as compensation to the appellants. They are before us in appeal for enhancement.

4. The finding of the Tribunal, that respondent No. 1 was responsible for causing the accident on account of his rash and negligent driving, has not been assailed before us, hence, it is hereby confirmed. The finding that offending vehicle was insured with respondent No. 4 has also not been challenged before us, therefore, the same is also hereby confirmed.

5. The only question, which remains to be decided is: whether the amount of compensation awarded to the appellants is just and proper?

6. The learned counsel for appellants submitted, that the amount awarded is on

lower side. The young girl was not only a student, but, she used to help her parents in domestic work, as also in the agricultural operation. This lead to the saving of substantial amount, which, appellant might have incurred by engaging a labourer, the learned counsel for appellants submitted, that a notional income of Rs. 15,000 be taken as annual income of the deceased and after deducting 1/3rd conventional amount, the loss of dependency of the appellants should be determined at Rs. 10,000. We find force in submission of the learned counsel for appellants.

7. Thus, taking the annual loss of dependency of the appellants at Rs. 10,000, we apply multiplier of 13 in view of the age of appellants. Thus, the future loss of dependency of the appellants comes to Rs. 1,30,000. To this, we add another sum of Rs. 20,000 to cover compensation on other heads, like loss of love and affection, loss of company and funeral expenses.

8. Thus, the total amount which the appellants are entitled to recover from respondents jointly and severally comes to Rs. 1,50,000. In case the enhanced amount is not deposited within two months, the enhanced amount shall carry interest at the rate of 8 per cent from the date of application till it is actually paid to the appellants.

9. Thus, the appeal is partly allowed. The impugned award is modified to the extent as indicated above. The respondent No. 4 shall bear the costs throughout. Counsel's fee Rs. 1,000, if certified.