
(1999) 08 MP CK 0091
In the Madhya Pradesh High Court
Case No : M.A. No. 650 of 1997

Sukhnandan

APPELLANT

Vs

South Eastern Coalfields Ltd. and Others

RESPONDENT

Date of Decision : 23-08-1999

Acts Referred:

Motor Vehicles Act, 1988 — Section 140

Citation : (2001) ACJ 1559

Hon'ble Judges : Usha Shukla, J;D.M. Dharmadhikari, J

Bench : Division Bench

Advocate : S.K. Agrawal, for the Appellant; N.S. Ruprah and N.S. Kale, for the Respondent

Final Decision : Allowed

Judgement

Usha Shukla, J.—This is an appeal for. enhancement of compensation awarded by the Second Additional Motor Accidents Claims Tribunal, Bilaspur in Claim Case No. 34 of 1986.

2. The claimant is the husband of Gondibai. She died on 6.11.79 in an accident with truck No. MHG 5764 belonging to respondent No. 1. This truck was insured with respondent No. 3 and was being driven by respondent No. 2 at the time of the accident.

3. The Claims Tribunal awarded a sum of Rs. 16,000 for mental agony and loss of consortium on account of the death of his wife and Rs. 2,000 as funeral expenses, total Rs. 18,000 against a claim of Rs. 4,50,000.

4. It was contended on behalf of the appellant that the amount awarded was wholly inadequate. Reference was made to Section 140 of the Motor Vehicles Act, 1988 that the compensation under no fault liability too was Rs. 50,000 hence the claimant should be awarded Rs. 4,50,000 as claimed.

5. The deceased was the wife of the claimant. She was aged about 25 years, at

the time of the accident. She was a vegetable vendor. The original pleading that she was earning Rs. 300 per month by selling vegetables was amended by substituting Rs. 750 per month as her income. Claimant Sukhnandan, AW 1, had deposed that she was earning Rs. 25 per day. We consider it safe to take her income as Rs. 750 per month. The dependency of the claimant would thus be Rs. 500 per month, i.e., Rs. 6,000 per annum. Taking a multiplier of 13 the compensation comes to Rs. 78,000. To this Rs. 2,000 is added as funeral expenses and Rs. 5,000 for loss of consortium. The total compensation comes to Rs. 85,000 which in our opinion would be just and proper compensation. Thus the appellant is entitled to get the sum of Rs. 85,000 with interest at the rate of 12 per cent per annum from the date of application till realisation.

6. Respondents are directed to deposit the amount less the amount already deposited within a period of two months from the date of supply of certified copy of this order failing which the amount shall carry interest at the rate of 15 per cent per annum. On deposit the amount shall be disbursed to the claimant keeping in mind the well settled guidelines laid down by the Supreme Court.

7. The award of Claims Tribunal shall be substituted as indicated hereinabove. Counsel's fee Rs. 500, if pre-certified.