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(2001) 04 JH CK 0002

In the Jharkhand High Court

Case No : MA No. 279 of 1999 (R)

The New India Assurance Co. Ltd. APPELLANT

Vs

Chandeshwar Sharma and Others RESPONDENT

Date of Decision : 23-04-2001

Acts Referred:

Motor Vehicles Act, 1988 — Section 163A, 163B

Citation : (2001) 04 JH CK 0002

Hon'ble Judges : Gurusharan Sharma, J

Bench : Single Bench

Advocate : Alok Lal, for the Appellant; P.K. Mukhopadhaya and Binod Kumar Jha, for the Respondent

Final Decision : Dismissed

Judgement

Gurusharan Sharma, J.—Heard the parties and perused lower Court records, Ravi Ranjan Sharma, aged about 12 years, who was a student of Class IV at St. Chistee Shahid Memorial Academy Digwadih, losf his life in a motor accident on 17.4.1997. He was dashad by a truck (BRW 7169). His parents filed Title (M.V.) Suit No. 48 of 1997 for compensation under the Motor Vehicles Act. 1988. It was held that accident took place on account of rush and negligent drive of the truck. In view of amendment introduced by Amendment Act, 54 of 1994. the most important change relates to determination of compensation by insertion of Sections 163A and 163B in Chapter XI entitled ''Insurance of Motor Vehicles against third party risk''. Section 163A begins with a non obstante clause and provides for payment of compensation, as indicated in Second Schedule, to the legal representatives of the deceased or injured, as the case may be. Second Schedule consists a table fixing the mode of calculation of compensation for third party fatal accident injury claims arising out of accidents. The first column gives the age group of the victims of accident, the second column indicates the multiplier and the subsequent horizental figures indicate the quantum of compensation in thousand payable to the heirs of the deceased victim. According

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to this table the multiplier varies from 5 to 18 depending on the age group to which the victim belonged. Applying amended provisions of Section 163A read with Second Schedule of the Act, the Tribunal took notional income of the deceased at Rs. 15000/- and applied 15 multiplier and thereafter deducted 1/3rd towards personal expences of the deceased and assessed total amount of compensation at Rs. 1,50,000/-. I find no reason to interfere with the impugned judgment and decree. This appeal is dismissed.

2. Statutory amount of Rs. 25000/-deposited by appellant for the purpose of this appeal, vide Challan No. J-27 dated 17.5.2000 is permitted to be withdrawn by claimants-respondents 1 and 2 on proper verification and in accordance with law.

3. Appeal dismissed.

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