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**(2005) 02 MP CK 0045**  
**In the Madhya Pradesh High Court**  
**Case No : M.A. No. 2875 of 2004**

United India Insurance Co. Ltd.

APPELLANT

Vs

Maithli and Others

RESPONDENT

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**Date of Decision :** 22-02-2005

**Acts Referred:**

Motor Vehicles Act, 1988 — Section 170

**Citation :** (2006) 4 ACC 191 : (2006) ACJ 1781

**Hon'ble Judges :** Deepak Verma, J;A.K. Awasthy, J

**Bench :** Division Bench

**Advocate :** Anil Goel, for the Appellant;

**Final Decision :** Dismissed

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## Judgement

Verma and Awasthy, JJ.—Award dated 30.9.2004, passed by the Motor Accidents Claims Tribunal, Jhabua in Claim Case No. 76 of 2000 is being challenged primarily on the ground that amount of Rs. 6,91,500 awarded to the claimants on account of death of Khemraj, an agriculturist and a mason aged 35 years, is on higher side. learned Counsel for appellant submitted that permission u/s 170 of Motor Vehicles Act was obtained.

2. Deceased Khemraj was having his own agricultural land admeasuring 1.07 hectares in village Machaliya, wherein, he was carrying on his agricultural operation. Apart from the above, it was further averred that he was also carrying on work of mason, but, this has not been found to be proved. Deceased Khemraj was having a large family to be looked after, that is, 2 wives, 9 children and mother.

3. On the strength of oral evidence adduced by claimants, the monthly income of deceased was assessed at Rs. 5,000. After the usual deduction of 1/3rd that the deceased must have been spending on himself, the dependency has been worked out at Rs. 3,500 per month, to which, looking to the age of the deceased and that of the claimants, multiplier of 16 has been adopted. Thus, in our considered

opinion, the amount of compensation awarded to the claimants, cannot be said to be excessive or exorbitant. The amount has been awarded only after considering the evidence that was adduced by the claimants.

4. No case for interference is made out. The appeal being devoid of any merits and substance, is, hereby dismissed. Consequently the application for stay is also hereby rejected. No Order as to costs.