

(2011) 02 J&K CK 0007

In the Jammu And Kashmir High Court

Case No : CMA No. 148 of 2009, Cross Objection No. 215-A of 2009

United India Insurance Co. Ltd.

APPELLANT

Vs

Mohd. Latif Mangral and Others

RESPONDENT

Date of Decision : 09-02-2011

Acts Referred:

Ranbir Penal Code, 1989 — Section 279, 304A

Citation : (2011) 1 JKJ 985

Hon'ble Judges : Mohd. Yaqoob Mir, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Mohd. Yaqoob Mir, Judge

1. In a tragic road accident six (6) precious lives were lost on 12th of October, 2005 when the vehicle (Tata Sumo) bearing No.JK05/5920,

coming from Uri to Nambla, fell into a deep gorge. Regarding the occurrence, the case has been registered as Crime No.77/2009 P/S Uri for

commission of offences punishable u/s 279 and 304-A RPC. Appellant is the insurer, Mubarak Ali Hatmal owner of the vehicle (insured) whereas

Abdul Hamid Ganai was the driver of the offending vehicle.

2. The dependents of the six deceased persons have filed six separate claim petitions for grant of compensation before Motor Accident Claims

Tribunal, Srinagar which came to be registered as Claim Petition Nos.280, 281, 282, 283, 284 and 285. All the six claim petitions stand disposed

of by a common judgment dated 30.5.2009. Aggrieved and dissatisfied therewith, the insurer (appellant) has filed six separate appeals which came

to be registered as CIMA Nos. captioned above whereas claimants (respondents)

of the CIMA Nos. 148,149,151, and 152,153/2009 have filed cross objections praying for enhancement of compensation.

3. All the six appeals along with cross objections are also required to be disposed of together as the issues for determination in all the cases are

identical. The issues as framed are re-produced herein-below:

1. Whether on 12th of October, 2005, the deceased along with other passengers boarded a sumo bearing No.JK05/5920 from Uri and Nambla

and while reaching near Army check post, the offending vehicle while being driven by the respondent No. 2 rashly and negligently at a high speed

lost control over the vehicle and fell into a deep gorge with the result four passengers died on spot and two died in the hospital whereas the others

received serious injuries?(OPP)

2. If issue No. 1 is proved in affirmative, whether the respondent No.1 as the owner and the driver are liable to compensate the petitioner on

account of the death sustained by the deceased and if so to what extent and from whom?(OPP)

3. Relief.

4. On issue No.1 the learned Tribunal on the basis of evidence has returned the finding to the effect that on 12th of October, 2005 accident has

occurred when the Sumo fell three hundred feet down into the Nallah due to rash and negligent driving wherein six persons lost their lives. The

finding on proper appreciation of the evidence does not call for any interference. Learned counsel for the appellant also has not opposed the

finding returned thereon.

5. It is the contention of learned counsel for the appellant that the finding returned on the question of validity of the license is not correct and the

evidence has not been correctly appreciated. It is in the evidence that the insured had produced the licence of the driver bearing DL

No.1761/MVD/Pul, issued from the office of ARTO, Pulwama. The licence clerk (Ab. Rashid Dar) ARTO office, Pulwama was produced as a

witness who has stated that the said licence number as per records has been issued in the name of Nazir Ahmad S/O Mangta R/O Dildora

Kupwara on 29.10.2001 and was valid up to 28th of October, 2004.

6. The said contention has been repelled as the learned Tribunal has recorded

that when the driver of the offending vehicle, namely, Abdul Hamid Ganai was examined as a witness at the behest of insurer, he had clearly stated that DL No. 1761 referred above was never produced by him nor the same belongs to him and it is during the course of examination he had produced DL No.1671/MVD-Doda. The learned Tribunal seem to have appreciated the matter correctly because the records would reveal that when the said licence was produced by the driver during the course of his examination, learned Tribunal taking note of the same has observed that there must be no connection between the two licences as those bear different numbers and have been issued by different licensing authorities but still learned Tribunal has asked for a report from ARTO, Doda vis-a-vis license No.1671/MVD-Doda. It is also observed that the driver has already obtained the verification report but still verification of its authenticity is required. The ARTO, Doda in response thereof vide his communication No.ARTOD/08/912 dated 23.7.2008 clearly mentioned that the record pertaining to the D.L. No.1671/MVD-Doda is not available as dealing in charge, Piaray Lai of ARTO office has already lodged two missing reports dated 28.2.2003 at Police Post Doda.

7. Taking note of this position, it is clear that the licence as produced by the driver has earlier been verified by the Licensing Authority, Doda vide

its letter dated 10.4.2005 addressed to the Licensing Authority, Srinagar wherein it is certified that DL No. 1671 stands in the name of Shri Abdul

Hamid Ganai and has been issued and thereafter renewed by the said office and also stand endorsed as PSV under serial No.1592/D dated

4.4.2005 and has also conveyed no objection regarding its renewal.

8. The insurer was required to take steps for producing any evidence so as to establish where from the DL No.1761/MVD/Pul had been collected

by the investigating officer though he has mentioned that it was produced by the insured but insured has not been examined so as to support the

same, so its position has remained in the region of suspicion.

9. Be that as it may, one thing is quite certain that the licence as was produced by the driver bearing No.1671/MVD-Doda is not proved to be

fake, instead it is established to be valid even on the date of accident. On such premises, breach of policy condition as projected by the

insurer(appellant) is untenable. So the finding recorded on this issue by the

learned Tribunal does not call for any interference.

10. The aforesaid findings as affirmed will govern all the appeals.

11. Now the question is as to what amount of compensation claimants shall be entitled to. However, before coming to the determination vis-a-vis

entitlement of the claimants in each petition, it shall be quite relevant first to notice as to what are the guiding factors for awarding "just

compensation". In this connection it shall be quite relevant to quote paras 9,14, and 21 of the judgment rendered by the Hon'ble Apex Court in

case captioned Smt. Sarla Verma and Others Vs. Delhi Transport Corporation and Another, :

9. Basically only three facts need to be established by the claimants for assessing compensation in the case of death :(a) age of the deceased; (b)

income of the deceased; and (c) the number of dependents. The issues to be determined by the Tribunal to arrive at the loss of dependence are:(i)

additions/deductions to be made for arriving at the income; (ii) the deduction to be made towards the personal living expenses of the deceased; (iii)

the multiplier to be applied with reference to the age of the deceased. If these determinants are standardized, there will be uniformity and

consistency in the decisions. There will be lesser need for detailed evidence. It will also be easier for the insurance company to settle accident

claims without delay. To have uniformity and consistency, Tribunals should determine compensation in cases of death by the following well settled

steps:

Step 1 (Ascertaining the multiplicand): The income of the deceased per annum should be determined. Out of the said income a deduction should

be made in regard to the amount which the deceased would have spent on himself by way of personal and living expenses. The balance which is

considered to be the contribution to the dependent family, constitutes the multiplicand.

Step 2 (Ascertaining the multiplier): Having regard to the age of the deceased and period of active career, the appropriate multiplier should be

selected. This does not mean ascertaining the number of years he would have lived or worked but for the accident. Having regard to several

imponderables in life and economic factors, a table of multipliers with reference to the age has been identified by this court. The multiplier should be

chosen from the said table with reference to the age of the deceased.

Step 3 (Actual calculation):

The annual contribution to the family (multiplicand) when multiplied by such multiplier gives the 'loss of dependency' to the family;

12. Thereafter a conventional amount in the range of Rs.5,000/ to Rs.10,000/ may be added as loss of estate. Where the deceased is survived by

his widow, another conventional amount in the range of 5,000/ to 10,000/ should be added under the head of loss of consortium. But no amount is

to be awarded under the head of pain, suffering or hardship caused to the legal heirs of the deceased.

13. The funeral expenses, cost of transportation of the body (if incurred) and cost of any medical treatment of the deceased before death (if

incurred) should also be added.

14. Though in some cases the deduction to be made towards personal and living expenses is calculated on the basis of units indicated in Trilok

Chandra, the general practice is to apply standardized deductions. Having considered several subsequent decision of this court, we are of the view

that where the deceased was married, the deduction towards personal and living expenses of the deceased, should be one-third(1/3rd) where the

number of dependent family members is 2 to 3, one-fourth(1/4th) where the number of dependent family members is 4 to 6, and one-fifth(1/5th)

where the number of dependent family members exceed six.

15. In New India Assurance Co. Ltd. Vs. Charlie and Another, , this Court noticed that in respect of claims u/s 166 of the MV Act, the highest

multiplier applicable was 18 and that the said multiplier should be applied to the age group of 21 to 25 years (commencement of normal productive

years) and the lowest multiplier would be in respect of persons in the age group of 60 to 70 years (normal retiring age). This was reiterated in

Tamil Nadu State Transport Corporation Ltd. Vs. S. Rajapriya and Others, and U.P. State Road Transport Corporation Vs. Krishna Bala and

Others, . The multipliers indicated in Susamma Thomas, Trilok Chandra and Charlie (for claims u/s 166 of MV Act) is given below in juxtaposition

with the multiplier mentioned in the Second Schedule for claims u/s 163-A of MV Act (with appropriate deceleration after 50 years):

Age of the Multiplier Multiplier Multiplier Multiplier Multiplier

deceased specified in actually used
scale as scale as scale in in second
second
envisaged in adopted by Trilok column in the schedule to
table II
Susamma Trilok Chandra as schedule to MV Act (as
seen from
Thomas Chandra clarified in
MVAAct
quantum of
Charlie
compensation)

(1) (2) (3) (4) (5) (6)

Upto 15 yrs. 15 20

15 to 20 yrs. 16 18 18 16 19

21 to 25 yrs. 15 17 18 17 18

26 to 30 yrs. 14 16 17 18 17

31 to 35 yrs. 13 15 16 17 16

36 to 40 yrs. 12 14 15 16 15

41 to 45 yrs. 11 13 14 15 14

46 to 50 yrs. 10 12 13 13 12

51 to 55 yrs. 9 11 11 11 10

56 to 60 yrs. 8 10 09 8 8

61 to 65 yrs. 6 08 07 5 6

Above 65 5 05 05 5 5

yrs.

16. We, therefore, hold that the multiplier to be used should be as mentioned in column (4) of the table above (prepared by applying Susamma

Thomas, Trilok Chandra and Charlie), which starts with an operative multiplier of 18 (for the age groups of 15 to 20 and 21 to 25 years), reduced

by one unit for every five years, that is M - 17 for 26 to 30 years, M-16 for 31 to 35 years, M -15 for 36 to 40 years, M-14 for 41 to 45 years,

and M -13 to 46 to 50 years, then reduced by two units"" for every five years, that is, M - 11 for 51 to 55 years, M - 9 for 56 to 60 years, M -7

for 61 to 75 years and M- 5 for 66 to 70 years.

17. In the backdrop of the principles as have been enunciated, each appeal along with cross appeal is separately taken up for determining the

quantum of compensation:

CIMA No.148/2009 (arising out of Clam Petition No.280):

18. Admittedly the deceased was 23 year old on the date of accident. The claimants are his parents. The said parents had claimed the

compensation amounting to 79 lacs along with interest @ 18% from the date of accident till payment.

19. The learned Tribunal has awarded Rs.2,17,000/ with 6% interest from the date of institution of till final realization (including the interim relief

granted). While doing so, the learned Tribunal has taken the monthly earnings of the deceased as Rs.3000/, has deducted 1 /3rd and the

dependence value has been taken as Rs.2000/ and the multiplier has been applied as 8, Rs.20,000/ on account of loss of estate and Rs.5000/ on

account of funeral expenses have also been awarded.

20. According to learned counsel for the appellant, instead of 1 /3rd 50% should have been deducted which the deceased (bachelor) would spent

on himself by way of personal and living expenses. Supporting this contention, learned counsel has relied on para 15 of the judgment Sarla Verma

referred above. It shall be quite apt to quote para 15:

15. Where the deceased was a bachelor and the claimants are the parents, the deduction follows a different principle. In regard to bachelors,

normally 50% is deducted as personal and living expenses, because it is assumed that a bachelor would tend to spend more on himself. Even

otherwise, there is also the possibility of his getting married in a short time, in which event the contribution to the parent/s and siblings is likely to be

cut drastically. Further subject to evidence to the contrary, the father is likely to have his own income and will not be considered as a dependant

and the mother alone will be considered as a dependent. In the absence of evidence to the contrary, brothers and sisters will not be considered as

dependents, because they will either be independent and earning, or married, or be dependant on the father. Thus even if the deceased is survived

by parents and siblings, only the mother would be considered to be a dependant, and 50% would be treated as the personal and living expenses of

the bachelor and 50% as the contribution to the family. However, where family of the bachelor is large and dependant on the income of the

deceased, as in a case where he has a widowed mother and large number of younger non-earning sisters or brothers, his personal and living

expenses may be restricted to one third and contribution to the family will be taken as two third.

21. While applying the law as has been laid down, the factual aspect of the case has to be taken note of. In the case in hand, the claimants

(parents) have claimed that they were totally dependant on the earnings of the deceased. Mohammad Lateef, father of the deceased, has further

deposed that he was working as a daily wager in PHE Department, later on he was disbanded so had no other source of income, which would

indicate that both parents were dependents along with four children. So the principle of deduction of 50% will not apply and in such situation as

per the law laid down, personal deduction has to be restricted to 1 /3rd only.

22. Now it has to be seen as to what was the total earning of the deceased. It was projected that the deceased was dealing in dry fruit business, so

would earn Rs.15000/ per month i.e. Rs.3/ lacs annually but the claimants have failed to prove the same before the Tribunal. They have not

produced any such evidence so as to establish the same except one of the claimants i.e. father, has deposed that the deceased was doing walnut

business and would earn Rs.3/ lacs annually, so again conflict in pleadings and his statement.

23. The learned Tribunal noticing position of the deceased being a young man would not sit idle, at least he would work as a manual labour so

would earn Rs.3000/ monthly but this position is opposed by respondents (claimants) in the cross objections by stating that even if the position of

deceased earning Rs.15000/ from walnut business was not taken correct but still a labourer would not earn less than Rs.6000/ a month.

24. On careful consideration of the rival submission, it is to be accepted that the claimants have failed to prove that the deceased was earning

Rs.15000/ a month but learned Tribunal has also erred in taking monthly income of the deceased as Rs.3000. a young healthy man, 23 years of age even if would work as a labourer, would not earn less than Rs.4500/ a month i.e. at the minimum rate of Rs.150/ per day.

25. Now taking the monthly income of the deceased as Rs.4500/ and while deducting 1/3rd, Rs.3000/ would be the dependence value, which means Rs.36000/ a year. The application of multiplier of 8 has not been disputed in view of the age of the parents being above 60 years, therefore, amount of compensation payable is:-

Loss of dependency = $36000 \times 8 = 2,88,000/$

26. The Tribunal has awarded Rs.20,000/ as loss of estate but same is not permissible in view of the law as has been laid down in the above

referred judgment. It has to be granted in the range of Rs.5000/ to 10,000/, so instead of Rs.20,000/ Rs.10,000/ are granted and the amount of

Rs.5000/ as awarded on account of funeral expenses is maintained. Hence the total amount of compensation awarded is $2,88,000 + 10,000 +$

$5000 = 3,03,000$ with 6% interest from the date of institution of the petition till final realization. The amount awarded on no fault basis in terms of

Section 140 of the MV Act styled as ""interim relief"" shall be deducted from the total amount.

CIMA No.149/2009 (arising out of Clam Petition No.284):

27. The claimant-widow had claimed compensation amounting to Rs.72,50,000/ along with interest @ 18% from the date of accident till payment

is made. The learned Tribunal on considering all the aspects of the matter has awarded an amount of Rs.2,15,000/ with 6% interest from the date

of institution till final realization.

28. The insurer (appellant) has not raised any objection vis-a-vis quantum but in the cross objections, the respondent (claimant) has claimed that

the income of the deceased has been taken as Rs.3000/ when a manual labourer earns Rs.200 to 300 per day. The Tribunal in a connected

petition titled Mohammad Ashraf Pathan v. Mubarak Ali Hatmal & ors has taken income of a woman as Rs.4000/, so the deceased in any case

would not earn less than Rs.6000/ per month. The claimant in her deposition before the Tribunal has stated that the deceased would earn Rs.2/

lacs a year.

29. In opposition, learned counsel for the appellant would contend that in such case instead of 1/3rd, 50% of the income has to be deducted which

the deceased would spend for his own personal expenses.

30. It is true that even if the deceased would be taken to have been working as a labourer, he would not earn less than Rs.4500/ a month, so the

contention of the learned counsel for the respondent (claimant) to this extent is acceptable. Monthly earning of the deceased has to be taken as

Rs.4500/.

31. Now the question is as to whether 1 /3rd or 50% would be deducted which the deceased would spend on his own personal living and

expenses. In this connection, it would be quite apt to quote the following portion from para 13 of Sarla Verma's judgment:

...In Fakeerappa and Another Vs. Karnataka Cement Pipe Factory and Others, , while considering the appropriateness of 50% deduction

towards personal and living expenses of the deceased made by the High Court, this Court observed:

What would be the percentage of deduction for personal expenditure cannot be governed by any rigid rule or formula or universal application. It

would depend upon circumstances of each case. The deceased un-disputedly was a bachelor. Stand of the insurer is that after marriage, the

contribution to the parents would have been lesser and, therefore, taking an overall view, the Tribunal and the High court were justified in fixing the

deduction.

32. Applying the above principle to the features of the case in hand, the deduction towards personal living has to be restricted to 50% as it is

nowhere in the evidence that except widow any other person is the dependent, therefore, whatever would be the earning, same would be spent

equally. So in the said circumstances, deceased would be spending 50% out of his earnings on his personal living and expenses, so loss of

dependency would be 50% of the total amount i.e. 2250 per month. The relevant multiplier in view of Sarla Verma's judgment would be 14. The

annual dependency value is $2250 \times 12 \times 14 = 3,78,000$.

33. As per Sarla Verma's case, the loss of estate is awarded to the tune of Rs.5,000/ and loss of consortium Rs. 10,000. The amount of Rs.5000/

as awarded on account of funeral expenses is maintained. The total amount of

compensation is Rs.3,78,000+5,000+10,000+5,000=3,98,000/

less by the amount awarded on no fault basis u/s 140 of MV Act, along with 6% interest from the date of institution of claim petition till final realization.

CIMA No.150/2009 (arising out of claim petition No.281)

34. Since the appellant had only challenged its liability to pay the compensation, same stand repelled while deciding issue No.1 and 2, therefore,

the amount(quantum) not being under challenge has to be maintained, as such, is maintained, appeal dismissed.

CIMA No.151/2009 (arising out of claim petition No.285)

35. Parents(claimants) have claimed compensation amounting to Rs.69/ lacs with interest @ 18% from the date of accident till final realization. The

Tribunal has awarded an amount of Rs.2,15,000/ with 6% interest from the of institution till final realization.

36. Father of the deceased before the Tribunal has stated that he along with his wife and five children were dependents on the earnings of the

deceased. The deceased at the time of accident was just 20 years old and was running a shop so would earn a lot.

37. The Tribunal has taken the monthly income of the deceased as Rs.3000/ but same appears to be unjust as a young boy, 20 years of age, even

if will work as a labourer is expected to earn Rs.4500/ a month i.e. at the minimum rate of Rs.150/ per day. The claimants in the cross objections

have claimed that the deceased would earn Rs.6000/ a month. In any case income of the deceased could not be less than Rs.4500/ per month, so

is taken as such.

38. The learned Tribunal has applied the multiplier of 15 when in view of the judgment rendered in Sarla Verma's case, it should have been 18.

Para 21 of the said judgment is quoted as under:

21. We, therefore, hold that the multiplier to be used should be as mentioned in column (4) of the table above (prepared by applying Susamma

Thomas, Trilok Chandra and Charlie), which starts with an operative multiplier of 18 (for the age groups of 15 to 20 and 21"" to 25 years),

reduced by one unit for every five years, that is M -17 for 26 to 30 years, M-16 for 31 to 35 years, M-15 for 36 to 40 years, M -14 for 41 to 45

years, and M -13 to 46 to 50 years, then reduced by two units for every five years, that is, M -11 for 51 to 55 years, M - 9 for 56 to 60 years, M

-7 for 61 to 75 years and M - 5 for 66 to 70 years.

39. The Tribunal has awarded Rs.20,000/ on account of love and affection, Rs.10,000/ as loss of estate and Rs.5000 for funeral expenses. In

view of the judgment in Sarla Verma's case, Rs.5,000/ as loss of estate and funeral expenses in this case only are awardable. Funeral expenses of

Rs.5000/ as awarded is on lower side when the claimant in his deposition before the Tribunal claimed that he had to spend Rs.40,000/ on funeral

expenses. Same deposition has remained unrebutted but to balance the genuineness, Rs.10,000/ on account of funeral expenses is awardable,

hence in total after, deducting 1/3rd which the deceased would spend on his personal and living expenses, the loss of dependency would be

Rs.3000/ per month. The appropriate multiplier applicable is 18. The total amount of compensation payable is: $3000 \times 12 \times 18 = 6,48,000 + 5,000 +$

$10,000 = 6,63,000/$ with 6% interest from the date of institution of claim petition till final realization.

CIMA No. 152/2009 (arising out of claim petition No.282)

40. The claimants i.e. parents, widow and two minor children of the deceased, have claimed compensation to the tune of Rs.63/ lacs along with

interest @ 18% from the date of accident till realization. The learned Tribunal has awarded an amount of Rs. 10,37,000/ plus 6% interest.

41. The monthly gross salary of the deceased on the date of accident as per LPC is Rs.6489. The age of the deceased at the time of accident has

been 39 years. Out of the said amount Rs.2000/ have been deducted as the deceased would spend on his own expenses, so an amount of

Rs.4489/ has been taken as an amount which the deceased would contribute towards his family. The Tribunal has applied the multiplier of 16.

Compensation on the basis of future prospectus in view of hike in pay on 6th pay commission, has been taken as Rs.1 / lacs. On the basis of love

and affection Rs.20,000/ have been allowed. Rs.50,000/ has been awarded in favour of widow as compensation for loss of consortium, Rs.5,000/

has been awarded for funeral expenses.

42. In view of the judgment rendered in Sarla Verma's case, the future prospectus in view of revision in pay is not to be taken into consideration

except the amount as was payable to the deceased at the time of accident. In para 24 of Sarla Verma's judgment, it has been held "we, therefore, reject the contention that the revisions in pay scale subsequent to the death and before the final hearing should be taken note of for the purposes of determining income for calculating the compensation." So the amount of Rs.1/ lac awarded on account of 6th pay commission being not allowable is not allowed.

43. In view of the law laid down in Sarla Verma's case, loss of estate in the range of Rs.5,000/ to Rs.10,000/ is awardable, so Rs.5,000/ are awarded. Under the head loss of consortium, amount in the range of Rs.5,000/ to 10,000/ is awardable, as such, Rs.10,000/ shall be an appropriate amount to be awarded instead of Rs.50,000/ for loss of consortium. The amount of Rs.5000/ as awarded on account of funeral expenses is just.

44. Out of the total monthly earnings i.e. Rs.6489/ in view of Sarla Verma's judgment, only 1 /4th is to be deducted which the deceased would spend on his personal expenses because he had five dependent family members. In para 14 of the said judgment, it is clearly indicated that where the dependent family members are 4 to 6, 1/4th deduction towards personal and living expenses of the deceased shall be permissible. So out of Rs.6489, 1/4th is to be deducted. The dependency value is $4867 \times 12 \times 15 = 8,76,060$. The total amount of compensation payable is Rs.8,76,060+ 5,000+ 10,000+ 5,000=8,96,060/ with 6% interest from the date of institution of claim petition till final realization.

CIMA No. 153/2009 (arising out of claim petition No.283)

45. The claimants have claimed compensation to the tune of Rs.43/ lacs along with interest @18% from the date of accident till realization. The

learned Tribunal has awarded below mentioned amount:

Loss of dependency =Rs. 7,20,000/

Love and affection =Rs.20,000/

Loss of consortium =Rs.20,000/

Funeral expenses =Rs.5,000/

Total =Rs.7,65,000/

46. Learned Tribunal has erred while applying multiplier as appropriate multiplier

in view of Sarla Verma's judgment is 14. Further in view of same judgment, no amount can be awarded under head ""love and affection"" and loss under the head consortium, in the range of Rs.5,000/ to 10,000/ is awardable, as such, Rs.5,000/ shall be just amount to be awarded. In addition, Rs.5000/ on account of funeral expenses are allowable, hence in total claimants shall be entitled to $4000 \times 12 \times 14 = 6,72,000 + 5000 + 5000 = 6,82,000$.

47. The finding vis-a-vis quantum shall stand modified accordingly.

48. While dealing with each appeal, CIMA Nos. 150/2009 is dismissed.

49. In CIMA No.148/2009/Cross objection No.215-A/2009, compensation in total is enhanced from Rs.2,17,000/ to Rs.3,03,000/ including the amount as awarded u/s 140 MV Act with 6% interest from the date of institution of the claim petition till final realization.

50. In CIMA No.149/2009/Cross Objection No.222-C/2009, compensation is enhanced from Rs.2,15,000/ to Rs.3,98,000/ including the amount awarded u/s 140 MV Act with 6% interest from the date of institution of the claim petition till final realization.

51. In CIMA No.151/2009/Cross Objection No.222-B/2009, compensation is enhanced from Rs.2,15,000/ to Rs.6,63,000/ including the amount awarded u/s 140 MV Act with 6% interest from the date of institution of the claim petition till final realization.

52. In CIMA No.152/2009/Cross Objection No.222-A/2009, compensation is reduced from Rs. 10,37,000/ to Rs.8,96,060 including the amount awarded u/s 140 MV Act with 6% interest from the date of institution of the claim petition till final realization.

53. In CIMA No.153/2009/Cross Objection No. 222-D/2009, compensation is reduced from Rs.7,65,000/ to Rs.6,82,000/ including the amount awarded u/s 140 MV Act with 6% interest from the date of institution of the claim petition till final realization.

54. The award amount as has been deposited and the amount as may further be calculated to be deposited, on deposition shall be released in favour of the claimants respectively in accordance with the shares in each claim petition less by the amounts as have already been released in

favour of the claimants. Furthermore, in case any amount in any of the cases, on calculation, is found exceeding the amount awarded, same shall be

returned to the appellant.

55. The subordinate record along with copy of the judgment be send to the Tribunal.