
(2007) 04 AHC CK 0235
In the Allahabad High Court

U.P.S.R.T.C.

APPELLANT

Vs

Smt. Pratibha Singh and Others

RESPONDENT

Date of Decision : 23-04-2007

Acts Referred:

Motor Vehicles Act, 1988 — Section 163A

Citation : (2007) 3 AWC 2765

Hon'ble Judges : V.C. Misra, J;Amitava Lala, J

Bench : Division Bench

Final Decision : Disposed Of

Judgement

Amitava Lala, J.—This appeal arising out of an award of compensation granted by the Motor Accident Claims Tribunal u/s 110D of the Motor Vehicles Act, 1939 (hereinafter referred to as the Act, 1939). The application for compensation under Act, 1939 is to be made u/s 110A of the Act, wherein certain options are to be given u/s 110AA of the Act, however, the award of the Tribunal is to be given u/s 110B of the Act. The method of compensation is to be adopted in accordance with said Sections unlike the new Act, i.e., Motor Vehicles Act, 1988, where a formula has been adopted under the schedule of the relevant section being 163A of the said Act. We have to go by the old Act in the present case. The only point which has been raised by the appellant is the application of multiplier. According to the appellant higher side of income has been shown as Rs. 1,500 where dependency has been shown as Rs. 1,000. Further deduction has been made of 1/3rd and distributed amongst six claimants. A cross-objection has been filed by the respondent-claimants saying that one daughter has been married during the pendency of the claim petition and one of the sons now became major and started working during the pendency of the claim petition.

2. Under such circumstance, learned Counsel appearing for the appellant contended that such deduction of 1/3rd will not be applicable in the case at least in respect with the aforesaid two persons. We accept such submission since there is no objection subject to what is held hereunder.

3. Learned Counsel appearing for the respondents cited a decision rendered in, K.S.R.T.C. v. Susamma Thomas 1994 (1) TAC 323, where it has been said that future prospect of the deceased is also to be taken into account in respect of compensation. Such judgment is also delivered under the old Act. In this particular case the age of the deceased was 40 years and he was a medical practitioner. Therefore, it would be proper to say that at least Rs. 2,000 which had been shown as monthly income, which has been fixed by the Tribunal is not at all on the higher side on the analysis of the said judgment.

4. So far as the interest part is concerned although it is fixed @ 6% per annum as per the ratio of such judgment as well as the judgment referred under Smt. Chameli Wati and Another Vs. Municipal Corporation of Delhi and Others, , we find that the same would be enhanced @ 12% per annum from the date of application of compensation till the date of the payment in the place and instead of 6% per annum. Therefore, according to us, such rate of interest can also be applicable in this particular case.

5. Hence, we dispose of the appeal and cross-objection by holding the view that the aforesaid respondents should be eliminated from the claim. The claim amount which has been fixed is correct in accordance with old Act i.e., Motor Vehicles Act, 1939. The interest @ of 12% per annum from the date of application till the payment is fixed. The compensation amount will be calculated accordingly and will be paid to the claimants.

6. No order is passed as to costs.

V.C. Misra, J.

I agree.