(2014) 11 JH CK 0067

In the Jharkhand High Court

Case No : M.A. No. 116 of 2012

Urmila Devi and Others — APPELLANT

Vs

Manoj Kumar Yadav and Others — RESPONDENT

Date of Decision : 10-11-2014

Acts Referred:

Citation : (2015) 1 AJR 386

Hon'ble Judges : Dhrub Narayan Upadhyay, J

Bench : Single Bench

Advocate : P.K. Sinha, Advocates for the Appellant; Manish Kumar, Advocates for the Respondent

Judgement

Dhrub Narayan Upadhyay, J.—This appeal has been preferred against the judgment and award dated 1st day of May, 2012 passed by the district Judge -V-cum-Presiding Officer, Motor Vehicle Accident Claims Tribunal, Hazaribagh in connection with Claims Case No. 09 of 2005. This appeal has been preferred by the claimants for enhancement of awarded amount.

2. The fact of the case, in brief, is that the deceased-Satyendra Prasad Sinha was an employee of Jharkhand State Electricity Board, who was returning home from Barhi Chowk on 23rd June, 2004 at about 6.00 p.m., but in the meantime a mini bus, bearing Registration No. BR-13P-2225, being driven rashly and negligently caused dash to Satyendra Prasad Sinha and as a result, he sustained injuries and died.

3. It is contended that the claimants have furnished salary certificate of the deceased-Satyendra Prasad Sinha, which has been marked as Ext.-1, and as per the Salary Certificate, the deceased at the time of his death was receiving net salary to the extent of Rs. 11,615/-. Learned Tribunal instead of considering Ext.-1 has considered the income-tax return of the year 1997 and as per the return filed by the deceased, the compensation amount has been calculated. The aforesaid calculation made by the Tribunal is apparently incorrect and, therefore,

liable to be modified in view of the monthly salary which the deceased had been receiving before his death. Learned counsel has also given a calculation that after deducting one third from the monthly salary, it would come to Rs. 7,742/- and, therefore, the annual income, which is to be multiplied, would be Rs. 92,904/-. The Tribunal has selected multiplier ''eight'' and, therefore, the compensation amount comes to Rs. 7,43,232/- and after adding loss of consortium and funeral amount, it would be Rs. 7,50,232/-. The Tribunal has not directed to pay interest for the awarded amount.

4. Even assuming it to be correct that no Tribunal was functional for a longer period, the claimants are entitled to get interest at least for two years.

5. Counsel for the Respondent-Insurance Company has opposed the argument advanced on behalf of the appellants.

6. I have gone through the Lower Court''s Record as well as Ext. I. It is clear from perusal of Ext.-I that the deceased was receiving net pay of Rs. 11,615/- prior to his death. The calculation which the learned counsel for the appellants has proposed, if admitted, the compensation amount would come to Rs. 7,50,000/-.

7. Considering the aforesaid submissions, I feel that a lump sum amount of Rs. 8,00,000/- (Rupees Eight lacs), if paid to the appellants/claimants, that will serve the purpose and that amount will be inclusive of lump sum interest.

8. In the result, the impugned judgment and award is modified to the extent that the Respondent-Insurance Company shall pay total compensation of Rs. 8,00,000/- inclusive of lump sum interest to the claimants and the amount already paid to them shall be deducted from the total compensation amount of Rs. 8,00,000/-.

9. The additional compensation amount shall be distributed amongst the claimants as per the direction given by the Tribunal in the impugned judgment and award and the same shall be paid to them by way of cheque in the Lok Adalat likely to be held on 6th December, 2014 within High Court premises.

10. Counsel for the appellants is requested to communicate this order to the claimants, so that they may remain present to receive the cheque. With the said modification in the impugned judgment and award, the appeal stands allowed.