
(2009) 08 RAJ CK 0057
In the Rajasthan High Court

Vimlesh (Smt.) and Others	Vs	APPELLANT
Vijaya Ben (Smt.) and Others		RESPONDENT

Date of Decision : 12-08-2009

Acts Referred:

Citation : (2009) 3 WLN 468

Hon'ble Judges : G.S. Sarraf, J

Bench : Single Bench

Judgement

G.S. Sarraf, J.—The claimants appellants have filed this appeal against the award dt. 31.07.1998 passed by Motor Accident Claims Tribunal, Jaipur in motor accident Claim Case No. 255/1995.

2. It is not necessary to narrate the entire facts as the only question before me is that whether the compensation awarded in favour of the claimants appellants is just and reasonable.

3. The deceased Ashwani Kumar died as a result of an accident on 06.11.1994. Learned Tribunal passed an award of Rs. 3,09,600/- in favour of the claimants appellants. Aggrieved, the claimants appellants have filed this appeal.

4. Learned Counsel for the claimants appellants submits that learned Tribunal after assessing the income of the deceased as Rs. 2500/- per month deducted Rs. 1100/- per month on account of his personal expenses and assessed the dependency at Rs. 1400/- per month. He submits that learned Tribunal has committed grave illegality as not more than 1/3 of the income could be deducted for personal expenses of the deceased. He has, therefore, prayed that the compensation amount be enhanced accordingly.

5. Obviously learned Tribunal has assessed the income of the deceased as Rs. 2500/- per month which comes to Rs. 30,000/- per year. If we deduct 1/3 of it on account of personal expenses of the deceased then the dependency comes to Rs. 20,000/- per year. If we adopt a multiplier of 17 as adopted by learned Tribunal then the dependency comes to Rs. 3,40,000/- and if we add Rs.

24,000/- as added by learned Tribunal on various counts then the compensation amount comes to Rs. 3,64,000/-. The claimants appellants are thus entitled to a compensation of Rs. 3,64,000/-.

6. Consequently, the appeal is allowed to the extent indicated above and the amount of compensation is enhanced from Rs. 3,09,000/- to Rs. 3,64,000/-. The claimants appellants will be entitled to get interest at the rate of 6% per annum from the date of filing the application in the Tribunal to the date of deposit/realisation on the enhanced amount. Learned Tribunal will pass necessary orders regarding payment/fixed deposit. No order as to costs.