

(2002) 02 JH CK 0005

Jharkhand High Court

Case No: Appeal from Original Order No. 73 of 1995 (R)

Mostt. Baso Orain and Others

APPELLANT

Vs

Narender Timber and Others

RESPONDENT

Date of Decision: Feb. 13, 2002

Acts Referred:

- Motor Vehicles Act, 1939 - Section 110A

Citation: (2003) 2 ACC 701

Hon'ble Judges: Hari Shankar Prasad, J; Gurusharan Sharma, J

Bench: Division Bench

Advocate: A.K. Lall, for the Appellant; G.C. Jha, for the Respondent

Judgement

1. Charwa Oraon of Village Inta. District-Lohardaga died on 15.10.1987, when he was knocked by a truck (8RN-8021), near village Shramgatu.
2. His widow, sons and daughters filed Claim Case u/s 110-A of the Motor Vehicles Act, 1939 (hereinafter referred to as "the Act").
3. The impugned judgment and award was passed thereon directing the insurer of the offending truck to pay a sum of Rs. 43,200/- as compensation amount and a sum of Rs. 500/- for repair of the damaged cycle. A direction was also given to pay interest @ 12% per annum from the date of filing of the claim case till payment.
4. The claimants have preferred the present appeal for enhancement of the aforesaid amount of compensation on the ground that after assessing annual dependency at Rs. 4800/-. a lump sum amount of Rs. 43,200/-was assessed without applying appropriate multiplier as per Devis formula recognised by the Apex Court in [R.R. Bhanot Vs. Union of India and others](#), .
5. We find substance in the appellant's claim for enhancement of compensation for the aforesaid reason. On the ratio of the said decision, considering the age of the deceased, which was assessed at 40 years at the time of accident, in our opinion,

appropriate multiplier to be applied would be 12. Thus total amount of compensation comes to Rs. 57,600/-.

6. Further we are of the view that on this amount the claimants are entitled to interest @ 9% per annum from the date of filing of claim case till payment. A sum of Rs. 500/- granted by the tribunal for repair of the damaged cycle of the deceased stands set aside.

7. The Insurance Company is directed to pay the balance amount, pursuant to this order within two months, failing which claimants shall be entitled to get interest @ 18% per annum on the said amount as directed by the tribunal.

8. This appeal is, accordingly, disposed of with the aforesaid modification in the impugned judgment and award.