

(2008) 08 JH CK 0004
Jharkhand High Court
Case No: None

Most. Jabina Khatoon and Others

APPELLANT

Vs

Shyam Prasad Yadav and Others

RESPONDENT

Date of Decision: Aug. 20, 2008

Citation: (2008) 4 JCR 401

Hon'ble Judges: M.Y. Eqbal, J; Dhananjay Prasad Singh, J

Bench: Division Bench

Final Decision: Allowed

Judgement

@JUDGMENTTAG-ORDER

1. This appeal, by the claimants, is for enhancement of compensation awarded by the Motor Accident Claims Tribunal, Hazaribagh in Claim Case No. 63/2005. by which the Tribunal has assessed the compensation at Rs. 2,95,000/- for the death of Imteyaz Hussain in a motor vehicle accident.
2. We have heard the learned Counsel for the appellants and the learned Counsel for the Insurance Company.
3. There is no dispute with regard to the liability of the respondents for payment of compensation. The only issue is as to what should be just and reasonable compensation.
4. The claimants case is that the deceased Imteyaz Hussain was working in Bharat Leather Jacket Factory, New Delhi and he was getting salary of Rs. 6,000/- per month. In support of the earning of the deceased, the claimants examined witnesses but, the Tribunal, holding that no documentary evidence has been produced in support of the earning of the deceased, took the wages of the deceased at Rs. 80/- per day. On the basis of this wages of Rs. 80/- per day, amount of compensation was calculated.

5. From perusal of records, we do not find as to on what basis the Tribunal fixed the daily wages at Rs. 80/-, which was being earned by the deceased. In any view of the matter, the Tribunal ought to have taken at least Rs. 3000/- as monthly income of the deceased. Even if we take Rs. 3000/- as monthly income of the deceased and deduct 1/3rd, the annual dependency comes to Rs. 24,000/-. There is no dispute that the deceased was 26 years of age and died leaving behind young widow, a minor son aged five years and old parents. Even a lesser multiplier of 15 is taken, in our definite opinion, the compensation amount should be assessed at Rs. 3,60,000/-.

6. We, therefore, of the view that the appellants are entitled to Rs. 3,60,000/- by way of compensation together with interest at the rate awarded by the Tribunal.

7. This appeal is, therefore, allowed. The compensation amount is enhanced to Rs. 3,60,000/- together with interest awarded by the Tribunal.

8. It appears that a sum of Rs. 50,000/- was already paid by way of interim compensation. We must clarify here that the amount of compensation, so determined by the Tribunal, shall be deposited, as directed by the Tribunal. However, the enhanced amount of compensation together with interest shall be paid to the widow and minor son of the deceased.