

(2002) 02 JH CK 0016

Jharkhand High Court

Case No: M.A. No. 213 of 2001

Ram Sevak Ram and Another

APPELLANT

Vs

Hoshildar and Another

RESPONDENT

Date of Decision: Feb. 11, 2002

Citation: (2003) 1 ACC 384

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

Bench: Division Bench

Advocate: S.K. Laik, for the Appellant; None, for the Respondent

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

1. Heard. In Title (M.V.) Suit No. 50 of 2000, Motor Vehicles Accident Claims Tribunal, Dhanbad assessed a sum of Rs. 1,34,100/- with interest (c)9% per annum payable thereon, if the aforesaid amount of award is not paid within three months. The claimants, who were parents of deceased Balram Ram, who were more than 55 years old claimed that their 30 year"s old deceased son, who was working with M/s. Mamta Light Decoration, Gomoh and was earning Rs. 65/- per day died in a motor accident on 26.2.2000. The deceased was dashed by a truck (UP-52-6885) near Marwaha Petrol Pump, G.T. Road at Dumdu within Dhanbad district. The proprietor of M/s. Mamta Light Decoration was examined as AW 3, who proved his signature on a certificate (Ext. 1) regarding daily wage of the deceased.

2. Mr. Laik, counsel for claimants-appellants submitted that on the basis of said certificate, which was unfortunately not marked as an exhibit, the tribunal ought to have accepted earning of the deceased at Rs. 65/- per days AW 3 was not aware as to who had typed the said certificate. He admitted in his cross-examination that there was no paper relating the names of employees working in his shop and payment of wages to them. He also failed to produce even registration certificate of his shop.

3. In such circumstances, we find no reason to interfere with fixation of the amount of annual dependency by the tribunal as use of appropriate multiplier. Applying ratio of the decision of apex Court in [General Manager, Kerala State Road Transport Corporation, Trivandrum Vs. Mrs. Susamma Thomas and others](#), we find that if the aforesaid amount of compensation is kept in term deposit in a Nationalised Bank, it would fetch interest equal to the amount of annual dependency, even if it was calculated @Rs. 65/- per day.

4. This appeal is dismissed.