
(1988) 01 MP CK 0001
Madhya Pradesh High Court
Case No: None

Neemabai		APPELLANT
	Vs	
Arun Kumar and Others		RESPONDENT

Date of Decision: Jan. 30, 1988

Citation: (1988) 2 ACC 88 : (1988) ACJ 526

Hon'ble Judges: B.M. Lal, J

Bench: Single Bench

Judgement

B.M. Lal, J.

This is claimant's appeal for enhancement of the award.

2. The appellant's husband late Gulli Kachchi on the fateful day i.e. 23-1-1981 was returning from Jabalpur on a bicycle to his village Baren when a truck bearing registration No. MPQ 6963 came from behind and dashed him with the result he sustained grievous injuries on his person and died instantly. The truck belonged to the respondent Nos. 2 and No. 3, and it was driven rashly and negligently by Respondent No. 1, Arun Kumar.

3. The deceased's heirs filed the claim for a sum of Rs. 28,500/- with interest @ 6% per annum. It is alleged that at the time of accident the age of the deceased was 45 years and he was carrying on a business of hotel and was also doing cultivation. The claimant, as such claimed Rs. 300/- per month out of the hotel income and Rs. 100/- for loss of agricultural earning thus a total sum of Rs. 400/- per month towards loss of earning.

4. The truck owners and the driver including the insurance company denied the claim of the appellant and submitted that the truck in question was not being driven rashly and negligently. All other averments relating to income etc. have been denied. However, the learned Motor Accidents Claims Tribunal (hereinafter referred to as the Tribunal) awarded a sum of Rs. 6,800/- against this appeal for enhancement of the award is filed.

5. The short point involved in this appeal is about the multiplier applied in passing the award. The Tribunal has held that the deceased at the time of death was about 38 years of age and the appellant/wife was suffering total loss of Rs. 100/- per month. On this basis the Tribunal applied the multiplier of 6 years and reached the conclusion that the appellant is entitled for Rs. 7,200/- but deducted Rs. 500/- for lumpsum, and thus awarded Rs. 6,700/- towards general compensation and Rs. 100/- towards damage of the cycle, total Rs. 6,800/-.

6. This fact is not disputed that in various cases the longevity of an average Indian has been held to be 70 years by the apex Court of the land. Therefore, applying the multiplier of 12 years the Tribunal should have awarded the compensation, i.e. $12 \times 100 \times 12$, more precisely;

Loss of Rs. 100 per month $\times$ 12 months $\times$ 12 years = Rs. 14,400/-, say Rs. 14,000/- in lumpsum.

As such the tribunal should have passed the award for an amount of Rupees 14000/-.

7. This being so, the award impugned is hereby modified and enhanced to Rs. 14,000/- from Rs. 6,800/-, this amount so enhanced shall also carry interest @ 6% per annum from the date of filing the claim petition.

8. Consequently, the appeal is allowed with costs and the award impugned is modified and enhanced to the extent indicated above. Counsel's fee Rs. 750/- if certified.