

(1994) 03 MP CK 0005

Madhya Pradesh High Court

Case No: None

Ramesh Kumar and
Another

APPELLANT

Vs

J.P. Singh and Others

RESPONDENT

Date of Decision: March 15, 1994

Acts Referred:

- Motor Vehicles Act, 1939 - Section 173

Citation: (1995) 2 ACC 442

Hon'ble Judges: Tejinder Singh Doabia, J; S.K. Dubey, J

Bench: Division Bench

Judgement

T.S. Doabia, J.

This is an appeal preferred u/s 173 of the Motor Vehicles Act, 1939, against the award by the First Additional Motor Accident Claims Tribunal on 31.8.1990.

2. The accident took place on 16.5.1987. Asharam, aged 17 years, was the victim. As a result of the injuries sustained by him, he died on the spot.

3. Learned Counsel for the parties have not addressed any argument with regard to the finding on issue No. 1. Thus, the factum of accident which the learned Counsel for the parties addressed the Court is with regard to the quantum of compensation.

4. The Tribunal came to the conclusion that monthly income of the deceased was Rs. 350/-. The evidence with regard to deceased earning a further sum of Rs. 450/- by sale of milk on part-time basis was disbelieved. We have gone through the evidence on record. We find that the claimants have not been able to establish that the deceased was having an additional income of Rs. 450/- by sale of milk. The income of the deceased was rightly assessed at Rs. 350/- per month.

5. There is no dispute with the opposition of law laid down in aforementioned decisions.

6. We have gone through (sic) of the case. We are of the view that the dependency of parents has been shown the lower side. The Tribunal came to the conclusion that out of Rs. 350/- the deceased was contributing only Rs. 175/- towards the family kitty. By applying multiplier of 16 the compensation was fixed at Rs. 33,500/-.

7. We have considered this aspect of the matter. The conclusion that deceased was contributing only Rs. 175/- towards family kitty is not correct. The Tribunal has fixed this figure rather on the lower side. This requires to be enhanced. We, accordingly, fix this figure at Rs. 200/-. By applying multiplier of 16 the claimants would be entitled to a sum of Rs. 38,400/-. However, taking into consideration the fact that the deceased was a youngman and was the eldest child in the family, we fix a round figure of Rs. 40,000/- as just and fair Compensation which would be paid to the claimantss. The claimants would be entitled to interest on the enhanced amount. The clamiants would also be entitled to interest on the statutory Compensation paid to the claimants. The rete of interest wold be as awarded by the Tribunal.

8. The appeal is allowed to the extent indicated above. The parties are left to bear their costs as incurred.