

(2010) 02 PAT CK 0082

Patna High Court

Case No: M.A. No. 463 of 2009

Most. Hadisan Khatoon and
Others

APPELLANT

Vs

Dinesh Kumar Purswani and
Others

RESPONDENT

Date of Decision: Feb. 19, 2010

Final Decision: Allowed

Judgement

@JUDGMENTTAG-ORDER

Dipak Misra, C.J.

Though this matter was listed for orders, yet on consent of learned Counsel for the parties, it is finally heard.

2. Heard Mr. Pramod Kumar Pandey, learned Counsel for the Appellants and Mr. Barun Kumar Choudhary, learned Counsel for the Insurer.

3. In this appeal challenge is to the order dated 28th April, 2009 passed by the learned District Judge-cum-Claims Tribunal, East Champaran at Motihari in Claim Case No. 11/2006, whereby he has awarded a sum of Rs. 1,30,000/- for the death of the deceased who is stated to be a mason.

4. The facts leading to accident, the causation of accident, the age of the deceased, the status of the Appellants qua the deceased and all other aspects are not in dispute before this Court. The only question that arises for consideration whether the tribunal has awarded compensation in a just and proper manner.

5. On a perusal of the award, it transpires, the tribunal has computed the income notionally and fixed the yearly contribution at Rs. 10,000/-. It has come on record that the deceased was a mason. He was 50 years of age and sustaining a family.

6. Regard being had to the totality of the circumstances, I am disposed to think, his contribution to the family would not have been less than Rs. 1,500/- per month.

Thus the yearly contribution would be Rs. 1,500/- x12=Rs. 18,000/-. Considering the age of the deceased the multiplier of 13 would be attracted. Hence, the amount on this score would come to Rs. 18,000/- x 13=2,34,000/-. To the aforesaid amount, a sum of Rs. 10,000/- is added for loss of consortium and Rs. 2,000/-towards funeral expenses. Therefore, in toto, the amount of compensation would come to Rs. 2,46,000/-. The differential enhanced sum shall be deposited before the tribunal within a period of three months from the date of receipt of the order passed today and the said amount be disbursed keeping in view the decision rendered in [General Manager, Kerala State Road Transport Corporation, Trivandrum Vs. Mrs. Susamma Thomas and others,](#)

7. The appeal is allowed in part and the award passed by the tribunal is modified accordingly. There shall be no order as to costs.