

**Basmatia Devi and anr. Vs. Coastal Roadways Ltd. and ors.**

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**SooperKanoon Citation :** [sooperkanoon.com/133399](http://sooperkanoon.com/133399)

**Court :** Patna

**Decided On :** Apr-04-1996

**Judge :** Prasun Kumar Deb, J.

**Appeal No. :** M.A. No. 121 of 1995(R)

**Appellant :** Basmatia Devi and anr.

**Respondent :** Coastal Roadways Ltd. and ors.

**Advocate for Def. :** M.Y. Iqbal, Adv.

**Advocate for Pet/Ap. :** Jai Prakash, Adv.

**Judgement :**

**Prasun Kumar Deb, J.**

1. Heard Mr. Jai Prakash appearing for and on behalf of appellants and also heard Mr. M.Y. Iqbal for and on behalf of respondent insurance company.

2. This appeal has been preferred for enhancing the quantum of compensation which was granted by the judgment and award in title (M.V.) Suit No. 49 of 1993, by the 3rd Additional District Judge-cum-M.A.C.T., Dhanbad, to the appellants to the tune of Rs. 50,000/- only.

3. The deceased was admittedly earning as a daily wage earner at the rate of Rs. 30 to Rs. 35/- per day and then there is no reason why that should be considered as 20 days in a month. The monthly income comes up to Rs. 900/- per month and if 1/3rd is deducted towards personal expenses Rs. 600/- becomes the dependency of the claimants-appellants and the yearly dependency comes to Rs. 7,200/-. By applying multiplier of 12, the amount comes up to more than Rs. 80,000/-, although in my view, said multiplier should have been used, but considering the recent judgment of the Apex Court as reported in General Manager, Kerala State Road Trans. Corporation v. Susamma Thomas 1994 ACJ 1 (SC), I hold that the amount of compensation could be proper and just, if the same is fixed at Rs. 80,000/-. The claimants shall be entitled to get interest at the rate of 12 per cent per annum on the principal amount of compensation from the date of application till the date of realisation. The interim compensation under Section 140 of the Motor Vehicles Act amounting to Rs. 25,000/- shall be deducted from the award of compensation and also for the purpose of calculation of interest. The other orders as passed in the impugned judgment shall remain intact. The appeal is thus partly allowed by increasing the amount of compensation from Rs. 50,000/- to Rs. 80,000/- only. Other things remain intact.

4. Thus, the appeal is disposed of.