

Devki Verma and ors. Vs. Dinesh Kumar and ors.

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Court : Chhattisgarh

Decided On : Dec-20-2005

Reported in : II(2006)ACC166

Judge : S.R. Nayak, C.J. and; K. Agnihotri, J.

Appellant : Devki Verma and ors.

Respondent : Dinesh Kumar and ors.

Judgement :

S.R. Nayak, C.J.

1. The dependents of the deceased have filed this appeal for more compensation. The contention of learned Counsel for the appellants is that the age of the deceased as per post-mortem report was 40 years and, therefore, the M.A.C.T. ought to have applied multiplier 16 instead of multiplier 15 for the purpose of assessing the loss of dependency. It was also contended by learned Counsel for the appellants that the compensation awarded under the conventional heads, such as, loss of consortium, loss of dependency and funeral expenses is on lower side. It was also contended that the M.A.C.T. is not justified in not awarding any compensation towards loss of love and affection, particularly because, the deceased has left behind him a minor female child. We find considerable force in the contentions of the learned Counsel for the appellants.

2. Amongst the pieces of evidence that were produced before the M.A.C.T. with regard to the age of the deceased, the only acceptable piece of evidence is the h post-mortem report as per which the age of the deceased is shown as 40 years. If the age of the deceased was 40 as on the date of the accident, appropriate multiplier to be applied for assessment of loss of dependency is 16 and not 15. If we apply multiplier 16, total loss of dependency would come to Rest. 4,07,808 We accordingly award a sum of Rest. 4,07,808 towards loss of dependency as against Rest. 3,82,320 awarded by the M.A.C.T. As quite often held and reiterated by us in recent judgments that even compensation payable under the conventional heads should reflect the point of time and place of the accident and it cannot be static for all the times, particularly, having regard to the drastic steep fall in the money value. In that view of the matter, we award Rest. 20,000 towards loss of consortium, Rest. 20,000 towards loss of estate, Rest. 20,000 towards loss of love and affection to the minor female child and Rest. 5,000 towards funeral expenses.

3. In the result and for the foregoing reasons, we allow the appeal in part and award total compensation of Rest. 4,72,808 under the following heads--

Loss of dependency Rs. 4,07,808	Loss of consortium Rs. 20,000	Loss of estate Rs. 20,000	Loss of love and affection Rs. 20,000	Funeral expenses Rs. 5,000	
					Total: Rs. 472,808

with interest @ 7% per annum from the date of the claim petition till payment. The Insurance Company shall deposit the balance compensation money within six weeks from today before the M.A.C.T. On such deposit being made, the M.A.C.T. shall disburse/invest the compensation money in the same proportions as specified by it in the impugned award. In the facts and circumstances of the case, the parties shall bear their respective costs in this appeal.