

**Muniandi Kuwalan and anr. Vs. Devendra Singh and ors.**

**Muniandi Kuwalan and anr. Vs. Devendra Singh and ors.**

**SooperKanoon Citation :** [sooperkanoon.com/509080](http://sooperkanoon.com/509080)

**Court :** Madhya Pradesh

**Decided On :** Jan-22-2007

**Reported in :** II(2007)ACC914; 2008ACJ282

**Judge :** S.K. Kulshrestha, J.

**Appellant :** Muniandi Kuwalan and anr.

**Respondent :** Devendra Singh and ors.

**Judgement :**

**S.K. Kulshrestha, J.**

1. Dissatisfied with the inadequacy of the award dated 9th January, 2006 of the learned First Additional Member, MACT, Indore the appellants have preferred this appeal for enhancement in relation to the death of their son, a student of Engineering in 3rd Year, of four years course, in Computer Engineering. The Tribunal has awarded only a sum of Rs. 3,00,000 as against Rs. 25,00,000 claimed by the appellants.

2. According to the case set up by the appellants, Bhagyaraj (deceased) and Atul Gadwal were both the students of GSITS, Indore in B.E. Engineering. They had gone to the Lantern Square to have tea at about 12.15 and when they were returning back to the hostel, in front of SGSITS, College the respondent No. 1, driver of the bus bearing Registration No. M.P.09.S.7792, brought it at an

excessive speed and on account of his negligence, the son of the appellants and the other students were hit by the bus. As a result of the said accident, K. Bhagyaraj and Ashish died on the spot while Atul Gadwal sustained severe injuries.

3. The Tribunal framed several issues and found that it was on account of the rashness and negligence of the bus that the accident occurred and deceased Bhagyaraj died on account thereof. However, in considering as to whether his parents were entitled to a sum of Rs. 25,00,000, the Tribunal found that his annual income could be assessed as Rs. 30,000 and the dependency of Rs. 20,000 arrived annually was multiplied by 13 and a sum of Rs. 2,60,000 was awarded on account of the loss of dependency. To this amount a sum of Rs. 40,000 was added under various other heads and, thus, a total sum of Rs. 3,00,000 was awarded.

4. Learned Counsel for the appellant has submitted that the deceased was a brilliant student which is evident from the fact that he was granted admission to Computer Science Engineering Course of four years of which he had already completed three. The deceased had, therefore, a bright future as such Engineers are normally picked up in the Campus Selection at an exorbitant salary ranging from Rs. 50,000 per month and, therefore, the dependency of Rs. 20,000 per annum arrived at by the Tribunal was unrealistic and meagre in the facts and circumstances of the case.

5. Learned Counsel for the respondent No. 3 has submitted that it is a case where the deceased was only a student with no income and the probable income after his clearing the course could not have been as projected by the learned Counsel for the appellants. It is also clear that the deceased was simultaneously taking tuitions from which also he had substantial income.

6. In view of the fact that the deceased was a student of 3rd Year Engineering in the coveted subject of Computer Science, one cannot foresee income of less than Rs. 54,000 annually even for a fresh candidate. The income would thereafter have increased in geometrical progression and brought better dividends to the parents of the deceased. We are, therefore, inclined to assess his annual income at Rs.

54,000 and the dependency, after deduction of 1/3rd for his personal expenses, comes to Rs. 36,000. The multiplier selected by the Tribunal is proper and, therefore, multiplied by 13, the loss of dependency comes to Rs. 4,68,000. The Tribunal has awarded a sum of Rs. 40,000 on other counts which is reasonable. Accordingly, the total amount of compensation payable to the appellants comes to Rs. 5,08,000.

7. Accordingly, this appeal is partly allowed and the compensation of Rs. 3,00,000 awarded by the Tribunal is raised to Rs. 5,08,000. Other conditions laid down by the Tribunal would remain unaltered. The enhanced amount shall bear interest at the rate of Rs. five per cent per annum from the date of the application.

There shall be no order as to the cost of this appeal.

**SooperKanoon - India's Premier Online Legal Search - [sooperkanoon.com](http://sooperkanoon.com)**