

Munni Bai and ors. Vs. Raj Bahadur and ors.

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Court : Madhya Pradesh

Decided On : Jul-13-1999

Reported in : 2001ACJ424

Judge : D.M. Dharmadhikari and ;Usha Shukla, JJ.

Appeal No. : M.A. No. 1062 of 1995

Appellant : Munni Bai and ors.

Respondent : Raj Bahadur and ors.

Disposition : Appeal allowed

Judgement :

D.M. Dharmadhikari and Shukla, JJ.

1. Kunjibhari was a young man of 35 years of age and was getting a salary of Rs. 1,010 per month as chowkidar on daily wages. He lost his life in a road accident on 4.1.1995. He left behind his wife and two minor children. On a claim petition filed by them, Third Additional Motor Accidents Claims Tribunal, Satna made an award of Rs. 61,400 in their favour. They have challenged the adequacy of this award before this court.

2. The objection raised on behalf of the appellants is that the compensation is extremely low, and the deductions made from the dependency, as calculated by the Tribunal were improper and illegal.

3. The counsel for the respondents, however, supported the award.

4. A perusal of the record of the case shows that there is no dispute about the age and income of the deceased. Out of his salary of Rs. 1,010, if one-third is deducted on account of personal living expenses, the dependency of the claimants comes to Rs. 664 or Rs. 7,968 per annum which may be rounded off to Rs. 8,000. Keeping in view the guidelines in General Manager, Kerala State Road Trans. Corporation v. Susamma Thomas 1994 ACJ 1 (SC), the proper multiplier will be 13. The amount of compensation thus works out to Rs. 8,000 x 13 = Rs. 1,04,000. To this a sum of Rs. 5,000 would be added as loss of consortium, Rs. 2,000 as funeral expenses and Rs. 2,500 as loss to estate. The total compensation would be Rs. 1,13,500. The Tribunal erred in taking monthly dependency at Rs. 450 only and then again making a deduction of 1/3rd from the total amount of compensation arrived at. The award, therefore, cannot be maintained. The appellants would, therefore, be entitled to get a sum of Rs. 1,13,500 with interest at the rate of 12 per cent per annum from the date of application till realisation.

5. The insurance company, respondent No. 3, is directed to deposit the amount less the amount already deposited within a period of two months from the date of supply of certified copy of this order failing which the amount shall carry interest at the rate of 15 per cent per annum. On deposit, the amount shall be disbursed to the appellants keeping in mind the well settled guidelines laid down by the Apex Court.

6. In the result, the appeal is allowed with costs. The award of the Tribunal shall be substituted as indicated hereinabove. Counsel's fee Rs. 1,000, if pre-certified.

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