

Hemlata and ors. Vs. Lallan and ors.

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Court : Madhya Pradesh

Decided On : Mar-08-2004

Reported in : II(2004)ACC589

Judge : S.S. Jha and; A.K. Gohil, JJ.

Appellant : Hemlata and ors.

Respondent : Lallan and ors.

Judgement :

ORDER

1. Heard on admission.

This appeal is by claimants for enhancement of compensation. Deceased Rajveer Singh died in an accident on 7.7.1998. According to appellants age of deceased was 28 years at the time of his death. Appellants claim that deceased was having 50 bighas of agricultural land jointly with his father. He was also having a dairy of 15 she-buffaloes and from the milk of she-buffaloes he was manufacturing ghee. He was having a tractor of his own and was earning income from plying tractor on hire in the agricultural fields of other farmers.

2. Claims Tribunal on appreciation of evidence found that there is no evidence that deceased was having 50 bighas of irrigated land. On perusal of Exs. P-13 and P-14 Tribunal found that the deceased was having joint land of 0.293 hectare and 0.805 hectare and Tribunal has recorded a finding that deceased was not having

50 bighas of the land and this fact is not proved by the documents Exs. P-13 to P-17 filed by the claimants. Tribunal held that the income of Rs. 5,00,000/- per year from the agricultural land is not proved. Claims Tribunal has considered the evidence of claimant Hemlata (A.W. 7). She has stated that she had no knowledge regarding the ownership of the agricultural land. She was not in a position to state about the name of the person, whose name is mutated in the revenue record and she admitted that after the death of her husband her name and names of her children have been mutated in place of her husband, which is Ex. P-14. Total land mentioned in Ex. P-14 is 0.805 hectare. As regards income from the dairy, Tribunal found that there is no evidence to demonstrate that deceased was having any income from dairy. At one stage it is stated that deceased was involved in the business of sale of ghee and in the evidence it is stated that he was selling milk. Considering the overall evidence on record Claims Tribunal has recorded a finding that deceased was not running a dairy. However, considering the small area of agricultural land jointly held by the deceased with his brother Tribunal held that income of the deceased was Rs. 1,500/- per month and after deducting 1/3rd income has determined the dependency at Rs. 12,000/- per year and applied multiplier of 17. As regards income from the tractor is concerned, no document particularly registration certificate of tractor was produced to demonstrate that tractor was owned by the deceased.

3. In the absence of any evidence on record, we find that no error is committed by the Claims Tribunal in determining the compensation. Proper multiplier has been applied. No case is made out for interference.

Appeal fails and is dismissed summarily.

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