

Shyamabai and ors. Vs. Isloop and ors.

Shyamabai and ors. Vs. Isloop and ors.

SooperKanoon Citation : sooperkanoon.com/512482

Court : Madhya Pradesh

Decided On : Feb-18-2003

Reported in : II(2003)ACC442; 2005ACJ1508

Judge : Deepak Verma and ;N.K. Jain, JJ.

Appeal No. : M.A. No. 1232 of 2002

Appellant : Shyamabai and ors.

Respondent : isloop and ors.

Advocate for Def. : Milind Phadke, Adv.

Advocate for Pet/Ap. : S. Patwa, Adv.

Disposition : Appeal allowed

Judgement :

Deepak Verma and N.K. Jain, JJ.

1. For the death of a 40 years old person working in the Telecom Department and who died in a motor accident involving a motor vehicle insured with respondent No. 5 insurance company, the Claims Tribunal below has awarded Rs. 3,70,000 as compensation to the widow, children and mother of the deceased.

2. The net salary which the deceased was drawing at the time of his death was Rs. 5,423 per month. After making allowance for 1/3rd of this amount which the deceased must be spending on himself, the dependency was computed at Rs. 3,616 per month or Rs. 43,392 per annum. However, a multiplier of 10 was applied which, having regard to the age of the deceased, was much on the lower side. Having regard to his age and the amount of dependency, the proper multiplier would be 13. Thus, the amount of compensation on this count comes to Rs. 5,64,096. To this, a further sum of Rs. 15,904 need to be added on various other heads. Thus, the proper amount of compensation in the instant case comes to Rs. 5,80,000 and to this extent this appeal deserves to be allowed. Accordingly, we allow the appeal in part as afore stated and enhance the amount of compensation to Rs. 5,80,000, payable by respondents jointly and severally to the appellants. This amount shall also carry interest at the rate of 9 per cent per annum from the date of claim petition until payment. Respondents shall also bear the appellants' costs of this appeal besides their own. Counsel's fee Rs. 1,500, if certified.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com