

Most. Rina Devi and ors. Vs. Chandra Deo Singh and ors.

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SooperKanoon Citation : sooperkanoon.com/516171

Court : Jharkhand

Decided On : Jan-30-2002

Reported in : I(2003)ACC37; 2003ACJ1176

Judge : Gurusharan Sharma and; Hari Shankar Prasad, JJ.

Acts : [Motor Vehicles Act, 1988](#) - Sections 166

Appeal No. : Appeal from Original Order No. 462 of 1993(R)

Appellant : Most. Rina Devi and ors.

Respondent : Chandra Deo Singh and ors.

Advocate for Def. : A.K. Sahani, Adv.

Advocate for Pet/Ap. : M.S. Anwar and; Satyendra Singh, Adv.

Judgement :

ORDER

The Court

1. Admittedly, Bijay Kumar Pandey, son of Mathura Pandey of village Jhantiya in the district of Aurangabad died in a motor accident on 16.3.1991 on Ranchi-Patna road, near Loha Gate within the district of Hazaribagh. The deceased was travelling in a bus (BHB 6901), which turned turtle and fell down into a ditch by the side of pitch road. In the said accident Bijay Kumar Pandey sustained serious

injuries and died on spot.

2. It was established that the accident took place due to rash and negligent drive of the bus. The deceased was 22 year's old and was a student of B.A. class. It is said that he was earning at least Rs. 1,000/- per month by private tuition. The tribunal assessed Rs. 72,000/- payable as compensation.

3. In course of deposition, widow of deceased, namely, claimant No. 1 (A.W. 1) stated in her cross-examination that her husband used to give her Rs. 600/- per month, out of his earnings.

4. We find that this part of her evidence was overlooked by the Tribunal and it was observed that the deceased was giving only Rs. 400/- per month to her for maintenance of the family, It was clearly an error of record.

5. Accordingly, annual dependency is calculated @ Rs. 600/- per month and on applying fifteen multiplier, total amount of compensation comes to Rs. 1,08,000/-.

6. The Tribunal granted interest @ 18 per cent payable on the amount of compensation from the date of filing of claim application (25.5.1991) till realisation.

7. Following ratio of a recent decision of the Apex Court in Kaushnuma Begum and Ors. v. New India Assurance Co. Ltd. and Ors., 2001 (1) JLJR 322 (SC), said rate of interest is reduced from 15 per cent to 9 per cent per annum. If compensation amount with interest is not paid within two months, claimants shall be entitled to get interest @ 18 per cent. The impugned judgment and award is modified to extent indicated above.

8. The appeal is disposed of withaforesaid modifications by observations and directions. However, there will be no order as to costs.