Rina Devi and ors. Vs. the Divisional Manager, the New India Assurance Co. Ltd. and anr.

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SooperKanoon Citation : sooperkanoon.com/517389

Court : Jharkhand

Decided On : May-08-2007

Reported in : [2007(3)JCR438(Jhr)]

Judge : M.Y. Eqbal and; D.K. Sinha, JJ.

Appellant : Rina Devi and ors.

Respondent : The Divisional Manager, the New India Assurance Co. Ltd. and anr.

Judgement :
ORDER

1. Heard the parties.

2. This appeal by the claimants-appellants is for enhancement of the compensation awarded by the Motor Accident Claims Tribunal, Ranchi in Compensation Case No. 13 of 2003 to the tune of Rs. 1,67,000/- together with an interest at the rate of 6% per annum on the amount of compensation from the date of filing of the claim application which is at the lower side.

3. The brief fact of the case is that while Kameshwar Mahto was travelling on a motor cycle with pillion rider, a truck bearing registration No. BR 20-G/0086 dashed the said motor cycle resulting in spot death of Kameshwar Mahto on 11.2.2002.

4. The appellants-claimants are the widow, minor son and parents of the deceased.

5. The main contention of the appellants are that Kameshwar Mahto was 30 years old at the time of his death in such motor accident and was earning Rs. 3000/-per month from agriculture from his land and was maintaing his family. But since no income certificate of the deceased was brought on the record, the learned President Officer of the Tribunal assumed the notional income Rs. 15,000/- per annum on erroneous consideration ignoring the evidence adduced on behalf of the claimants for assessment of the compensation.

6. We have taken the considered view that more than 70% population of India is doing agriculture work and used to maintain their family out of the income from agriculture but there is no agency to provide income certificate to the marginal or below marginal farmers.

7. Under the circumstances, even if we assume that the monthly income of the deceased was only Rs. 2000/- per month instead of Rs. 3000/- per month as claimed, his annual income could be assessed Rs. 24,000/- per annum for which the dependency of the claimants was 1/3rd to the tune of Rs. 16,000/- per annum. Keeping in view the age that the deceased was 30 years old at the time of his death, suitable multiplier of 15 years of purchase of his income, amounts much more than Rs. 2,00,000/-(Rupees two lakhs). But the amount is settled between the parties at Rs. 2,00,000/-which shall carry 6% interest as per award of the Tribunal.

8. Needless to say that the amount of compensation already paid to the appellants-claimants shall be deducted by the New India Assurance Company (Respondent No. 1).

9. With such modification in quantum this Misc. Appeal is allowed in part.