

Gayatri Devi and ors. Vs. Sukhdeo Prasad Jaiswal and ors.

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Court : Jharkhand

Decided On : Aug-08-2007

Reported in : [2007(4)JCR135(Jhr)]

Judge : M.Y. Eqbal and; D.G.R. Patnaik, JJ.

Appellant : Gayatri Devi and ors.

Respondent : Sukhdeo Prasad Jaiswal and ors.

Disposition : Appeal dismissed

Judgement :

ORDER

1. Heard the learned Counsel for the parties.
2. This appeal by the claimant appellants is for enhancement of compensation awarded by the Tribunal in claim Case No. 19 of 1991.
3. There is no dispute with regard to the monthly earning of the deceased. The deceased was getting Rs. 1.184/43P + 20% bonus every year. Out of Rs. 1200/-, the Tribunal has taken only Rs. 931/- as the monthly dependency and the annual dependency has been assessed at Rs. 11,172/-. After taking the multiplier of thirteen years, the Tribunal assessed compensation at Rs. 1,45,236/-.

4. Learned Counsel for the appellants submitted that considering the age of the deceased and also the fact that the deceased died leaving behind his widow, minor children and other dependents, the award cannot and shall not be less than Rs. 2.5 - 3 lacs. We are not able to accept the submission of the learned counsel. Admittedly, the deceased was earning Rs. 1200/-per month and, therefore, the amount of monthly dependency as taken by the Tribunal needs no interference by this Court. However, the Tribunal ought to have taken the minimum of sixteen years of purchase while assessing compensation. If the annual dependency is multiplied by sixteen years of purchase, the amount of compensation comes to Rs. 1,78,772/-. Taking to consideration the admitted earning of the deceased, as also the rate of interest awarded by the Tribunal, we have no option, but to hold that the amount of compensation which the claimants are entitled cannot be more than Rs. 1.75 lacs, besides interest awarded by the Tribunal. This appeal is accordingly dismissed.

5. The submission of Mr. Singh, learned Counsel for the insurance company that the awarded interest should be reduced is devoid of substance for the reason that the Insurance Company has neither challenged the award, nor the interest awarded by the Tribunal either by preferring any appeal or filing cross-objection in this appeal. In such circumstances, there is no question of interfering with the rate of interest awarded by the Tribunal.