

Sudha Devi and ors. Vs. Rajasthan State Road Trans. Corpn.

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Court : Rajasthan

Decided On : Sep-09-1997

Reported in : 1998ACJ941

Judge : D.C. Dalela, J.

Appeal No. : S.B. Civil Misc. Appeal No. 738 of 1994

Appellant : Sudha Devi and ors.

Respondent : Rajasthan State Road Trans. Corpn.

Advocate for Def. : Virendra Agarwal, Adv.

Advocate for Pet/Ap. : K.N. Tiwari, Adv.

Judgement :

D.C. Dalela, J.

1. This is an appeal against the award dated 5.3.1994 of the learned Motor Accidents Claims Tribunal, Jaipur City, Jaipur, (for short 'the Tribunal'), passed in M.A.C.T. Case No. 1064 of 1991. The learned Tribunal has awarded a total compensation of Rs. 2,31,000/- to the claimants-appellants. This appeal has been filed for enhancement of the award. It is admitted by both the sides at Bar before me that the age of the deceased at the time of accident was 28. According to the Second Schedule of the Motor Vehicles Act, 1988, the multiplier at this age should

be 18. The learned Tribunal has determined the multiplier as 15. Therefore, it requires to be 18.

2. The learned Tribunal has determined the loss of dependency as Rs. 1,200/- p.m. The loss of dependency with reference to multiplier 18, would be Rs. 1,200/- x 12 x 18 = Rs. 2,59,200/-. The widow of the deceased is entitled to a compensation of Rs. 15,000/- on the account of loss of consortium and love, whereas the three children of the deceased are entitled to Rs. 5,000/- each, on account of the loss of fatherly affection and care. Thus, the total amount of compensation comes to Rs. 2,59,200/- + Rs. 15,000/- + Rs. 5,000 + Rs. 5,000/- + Rs. 5,000/- = Rs. 2,89,200. The award is, therefore, required to be enhanced to this extent only.

3. No other point has been raised and argued before me by the parties.

4. In the result, this appeal is partly allowed. The total amount of compensation is enhanced to Rs. 2,89,200/- from the total amount of compensation of Rs. 2,31,000/- as awarded by the learned Tribunal. To this extent, the award shall stand modified. Other part, terms and conditions of the award are maintained.