

Sumitra Devi and ors. Vs. Vidya Prakash and ors.

Sumitra Devi and ors. Vs. Vidya Prakash and ors.

SooperKanoon Citation : sooperkanoon.com/770916

Court : Rajasthan

Decided On : Feb-06-2006

Reported in : III(2006)ACC253

Judge : K.C. Sharma, J.

Appellant : Sumitra Devi and ors.

Respondent : Vidya Prakash and ors.

Judgement :

K.C. Sharma, J.

1. Through this appeal under Section 173 of the Motor Vehicles Act, 1988, the appellant seeks to modify the award dated 23.12.1993 passed by the learned Judge, Motor Accident Claims Tribunal, Sikar whereby the learned Judge has awarded a sum of Rs. 2,00,000.

2. I have heard learned Counsel for the parties and gone through the award sought to be modified. In the claim petition, the claimants have claimed compensation to the tune of Rs. 32,50,000 under various heads. The learned Judge, on consideration of evidence and material available on record and having concluded that the accident took place on account of rash and negligent driving of drivers of both vehicles No. RJV 8199 (Jeep) and No. UPS 6737 (Jonga) has awarded total compensation Rs. 2,00,000 on two counts i.e., Rs. 1,80,000 as

against loss of income to the dependents and Rs, 20,000 as against loss of love and affection.

3. In the accident, Kishan Singh Dhaka aged 40 years lost his life. A perusal of the award sought to be modified in the appeal shows that in awarding compensation, the learned Judge has taken into consideration the age of the deceased to be 40 years, his monthly income at Rs. 900 and after deducting 1/3rd of income for his personal use and while assessing his contribution at Rs. 600 per month towards his family, applied the multiplier of 25 and awarded a sum of Rs. 1,80,000 as against loss of income of deceased to his dependents and further awarded a sum of Rs. 20,000 for loss of love and affection. After deducting Rs. 25,000 already paid as interim compensation, the Tribunal awarded compensation of Rs. 1,75,000 with interest at the rate of 12% p.a. With effect from the date of application till the payment is made, making the respondent Nos. 1 and 2 liable jointly and severally. In my considered view, the learned Judge has passed the award sought to be modified on proper evaluation of evidence and hence the award calls for no interference.

4. For the reasons aforesaid, the award of the Tribunal sought to be modified in this appeal does not call for any interference and consequently this appeal fails and is hereby dismissed.