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Court : Rajasthan

Decided On : Aug-04-2005

Reported in : IV(2005)ACC116

Judge : N.K. Jain, J.

Appellant : Saroj Devi and ors.

Respondent : Suresh Singh and ors.

Judgement :

N.K. Jain, J.

1. This appeal is directed against the judgment/award dated 6th August, 1997 passed by the Motor Accident Claims Tribunal, Jaipur District, Jaipur in MACT Case No. 186/94 for enhancement of the amount of compensation in respect of death of Maharaj Singh who is said to have died in an accident arising out of motor vehicle which took place on 11.2.1994.

2. The Counsel for the appellant contended that looking to the age and income of the deceased the amount of Rs. 1,44,400/- awarded as compensation in the present case is meagre amount. He contended that the deceased was working in Post Office and his salary was Rs. 2,000/- per month and in addition to it he was also earning by selling milk in the village and from agricultural sources also. His submission is that future prospects of the deceased ought to have been

considered. He further submits that in view of his age as 24 years, the multiplier of 17 ought to have been applied by the Tribunal.

3. The Counsel for the respondent No. 4 contended that as per contents of claim application itself the monthly salary of the deceased was Rs. 600/- only. The Tribunal determined the income of the deceased as Rs. 1,000/- per month on the basis of unit system a sum of Rs. 300/- was deducted for personal expenses of the deceased and amount of compensation was calculated @ Rs. 700/- per month. He, therefore, contended that future prospects and income from other sources have already been considered by the Tribunal.

4. I have considered the rival submissions and examined the impugned judgment passed by the learned Tribunal.

5. The Tribunal has considered the evidence of A.W. 1 wife of the deceased who stated that deceased was working in Post Office and was earning Rs. 1,000/- per month and from other sources he was earning Rs. 1,500/- per month. A.W. 1 in her statement subsequently stated that the salary of the deceased was Rs. 600/- per month only. Ex. 1 salary certificate was produced in the case but it was disbelieved by the Tribunal for the reason that in the salary certificate, salary was mentioned as Rs. 1,000/- p.m. whereas in the claim application, monthly income of the deceased from the Post Office was mentioned as Rs. 600/- and in the statement of Smt. Saroj Devi also the monthly salary of the deceased was stated to be Rs. 600/- per month only.

6. After considering the submissions of both the parties and evidence on record, this Court is of the view that monthly income as well as future prospects of the deceased are liable to be asssed as Rs. 1,200/- p.m. The one-third amount is liable to be deducted on account of personal expenses of the deceased, therefore, dependency is determined at Rs. 800/- per month. The age of the deceased was 24 years, therefore, as per Second Schedule of the Motor Vehicles Act, 1988 the proper multiplier is of 17, therefore, amount of compensation comes to Rs. 800 x 12 x 17 : 1,63,200/-. The Tribunal has awarded Rs. 10,000/- for love and affection and under other heads which remain unchanged, therefore, total compensation comes to Rs. l,63,200+10,000: Rs. 1,73,200/-.

7. The appeal is accordingly allowed. The impugned judgment and order of the Tribunal is modified. The amount of compensation is enhanced from Rs. 1,44,400/- to Rs. 1,73,200/-. A sum of Rs. 1,44,400/- awarded by the Tribunal has already been paid to the appellants, therefore, respondents are now required to deposit the remaining amount of Rs. 28,800/- with interest @ 6% per annum from the date of filing of the claim petition i.e., 2.3.1994 till the date of deposit of the amount in the Tribunal. The Counsel for the respondent No. 4 prays for six weeks time to deposit the amount. The time prayed for is allowed.

8. The Tribunal is directed to deposit the said amount in the name of appellant No. 1 Smt. Saroj Devi in the MIS Scheme of Post Office for a period of 6 years. The appellant will be entitled to receive monthly interest of the M.I.S. and full amount on the date of its maturity. No order as to costs.

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