

Panchi Devi and ors. Vs. Surajmal and ors.

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Court : Rajasthan

Decided On : Jan-23-2006

Reported in : II(2006)ACC401

Judge : K.C. Sharma, J.

Appellant : Panchi Devi and ors.

Respondent : Surajmal and ors.

Judgement :

K.C. Sharma, J.

1. Through this appeal under Section 173 of the Motor Vehicles Act, 1988, the appellants seek to modify the award dated 21.2.1994 passed by the learned Judge, Motor Accident Claims Tribunal, Jaipur District, Jaipur whereby the learned Judge has awarded a sum of Rs. 1,65,000.

2. I have heard learned Counsel for the parties and gone through the award sought to be modified. 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 jeep No. RJ-14-T-0253 by its driver has awarded a sum of Rs. 1,65,000 under the various heads, making the respondent Nos. 2 and 3 liable to pay the award amount to the claimant, jointly and severally.

3. The only grievance of the learned Counsel for the appellants is that the age of the deceased was 42 years at the time of accident and, therefore, the learned Tribunal, while assessing the income of the deceased should have applied the multiplier of 15 as per the Schedule attached to the Act. The learned Judge has committed serious error in applying the multiplier of 10 while assessing the income of the deceased.

4. I have considered the above argument. A perusal of the award sought to be modified shows that in awarding compensation, the learned Judge has assessed the gross income of the deceased at Rs. 22,000 per annum at the time of accident and after deducting 1/3rd of income for his personal expenses and having assessed his net income at Rs. 15,000 p.a., applied multiplier of 10 and awarded a sum of Rs. 1,50,000 against the loss of income of deceased to his dependents. I find substance in the argument of learned Counsel for the appellants. Undisputedly the age of the deceased at the time of accident was 42 years and as per the Schedule attached to the Act, the learned Tribunal should have applied the multiplier of 15 instead of 10 while awarding compensation under the head 'loss of income of deceased to his dependents'. If the multiplier of 15 is applied, the amount comes to Rs. 2,25,000 (15,000 x 15). In this view of the matter, the amount of compensation towards loss of income to the dependents, of the deceased is enhanced from Rs. 1,50,000 to 2,25,000 and the claimant-appellants would be entitled to get increased amount of Rs. 75,000 in addition to what has already been awarded by the Tribunal.

5. Ordered accordingly. The respondents are directed to deposit with the Tribunal the increased amount of Rs. 75,000 within two months from the date of this order. On depositing the increased amount, the Tribunal shall disburse the said amount amongst the claimants appellants. Since the Tribunal has already awarded interest @ 12% p.a. on the amount of compensation awarded by it, the appellants shall be entitled to get interest at the rate of 6% p.a. on the increased amount w.e.f. the date of this order till the payment is made to the claimants, if the increased amount is not deposited within the time stipulated.