

Kamla and ors. Vs. Sukhdev Singh and ors.

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SooperKanoon Citation : sooperkanoon.com/772025

Court : Rajasthan

Decided On : Dec-07-2001

Reported in : II(2002)ACC35; 2003ACJ246

Judge : J.C. Verma, J.

Appeal No. : S.B. Civil Misc. Appeal No. 60 of 1998

Appellant : Kamla and ors.

Respondent : Sukhdev Singh and ors.

Advocate for Def. : Virendra Agrawal, Adv.

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

Judgement :

J.C. Verma, J.

1. This misc. appeal has been filed by the appellant for the enhancement of compensation against the order dated 4.3.1997 passed by the Motor Accidents Claims Tribunal, Beawar, District Ajmer in M.A.C.T. Case No. 73 of 1994 whereby compensation of Rs. 2,50,400 has been awarded,

2. Facts of the case are that the claim application was filed by the claimants, who are widow and children of deceased Faras Ram who died in the accident which

had taken place on 27.3.1994 between the jeep No. RJ 01-971 and the truck No. PAT 7513. The victim was travelling in the jeep. After framing the required issues the Tribunal has awarded the compensation of Rs. 2,50,400.

3. It is the submission of learned Counsel for appellants that the wife has stated that her husband was earning Rs. 3,000 per month and whole amount of Rs. 3,000 were being given for maintenance of the house. However, the Tribunal has assessed the monthly income to be Rs. 1,500, out of which the dependency has been assessed as Rs. 1,200 per month and applied the multiplier of 16. Learned counsel for the appellants submits that the evidence of appellant remain un rebutted, therefore, the Tribunal ought to have believed the statement of the wife that the deceased was earning Rs. 3,000 per month.

4. After hearing learned Counsel for the appellants, in my opinion, the Tribunal has not awarded the just and proper compensation to claimants. It is a fit case where the monthly income of deceased should be assessed as Rs. 2,000 and after deducting Rs. 500 for expenses of the deceased the dependency is assessed as Rs. 1,500 per month. Applying the multiplier of 16 the compensation is enhanced to Rs. $1,500 \times 12 \times 16 =$ Rs. 2,88,000 along with the amount Rs. 20,000 as awarded by the Tribunal on other counts. The compensation is enhanced to Rs. 3,08,000. The amount of compensation shall bear same rate of interest as has been awarded by the Tribunal. The total compensation is enhanced to Rs. 3,08,000 instead of Rs. 2,50,400. The amount of the compensation shall be paid by the insurance company within a period of two months, after adjusting the amount already paid. The compensation shall be paid according to the same proportion and direction as directed by Tribunal.

With the above observation the misc. appeal is partly allowed.