The Branch Manager Vs. Tmt.Rahmath

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SooperKanoon Citation : sooperkanoon.com/926873

Court : Chennai

Decided On : Apr-27-2012

Judge : S.Vimala, J.

Acts : Indian Penal Code (IPC) - Sections 302; Motor Vehicles Ac - Section 170, 157(1), 165(1), 175, 140; The Workmen's Compensation Act 30 of 1995 - Section 4(1)(a)

Appeal No. : C.M.A.(MD)No.825 of 2011 And M.P.(MD).No.3 of 2011

Appellant : The Branch Manager.

Respondent : Tmt.Rahmath.

Advocate for Def. : Mr.K.Balasundharam, Adv

Advocate for Pet/Ap. : Mr.S.Ramachandran, Adv

Judgement :

PRAYER

Civil Miscellaneous Appeal is filed against the order and decree dated 22.01.2010 passed in MACOP NO.356 of 2000 on the file of the Motor Accidents Claims Tribunal, Chief Judicial Magistrate Court, Pudukkottai.

JUDGMENT

1. Whether death of the deceased Mohammed Sultan was due to murder simpliciter or accidental murder is the intricate question raised in this appeal.

2. The brief facts:-

The deceased Mohammed Sultan, aged 35, who was working as a driver, and earning a sum of Rs.5,000/- per month suffered death on account of murder on 27.06.1997. He was working as a driver in the taxi bearing registration No.TN- 55A 5994 of which the first respondent is claimed to be the owner.

2.1. On 27.06.1997, the deceased was waiting in the taxi stand at Pudukottai market and at that time two persons came there and took the taxi for hire. Later on, neither the car nor the deceased returned back. The owner of the car namely, the first respondent Subbiah preferred a complaint before the police.

2.2. On the next day, a dead body was found lying on the barren land of one Abdullah and it was claimed to be an unidentified body. The V.A.O. preferred a complaint to the Melur Police Station. From the tag, bearing the name of the tailor in the shirt of the deceased, the police got a clue that the deceased would have belonged to Pudukottai. They started investigation and found out that it was the taxi driver Mohammed Sultan, who was murdered. The car was undetectable.

2.3. Alleging that the first claimant as the wife, second and third claimants as unmarried daughter and son respectively and the fourth claimant as the mother of the deceased, they filed petition claiming compensation of Rs.20,00,000/-.

3. The first respondent filed the counter (which was not enclosed in the typed set of papers) admitting that (the first respondent) he is the owner of the vehicle and that the deceased was working as a driver under him.

4. The Insurance company, the second respondent filed the counter affidavit contending that;

a) The first respondent is not the owner of the vehicle

b) There is no relationship of employer and employee between the deceased and the first respondent.

c) Selvaraj, the third respondent, is the owner of the vehicle in whose name the registration certificate and the permit stands and that the policy of insurance has been issued only in the name of the third respondent.

d) The accident did not arise out of the use of motor vehicle and as it is a case of murder simpliciter, the claims Tribunal has no jurisdiction.

e) Melur Police had registered a case under Section 302 IPC in Crime number 505 of 1997, based on the report of the VAO, in which involvement of vehicle is not disclosed.

f) There is no privity of contract between the insurance company and the first respondent in respect of the alleged vehicle TN-55A 5994.

g) The liability of insurance company does not arise where the deceased himself was driving the vehicle and he got himself murdered.

h) In any event, irrespective of the contention regarding the maintainability of the petition, the liability of the insurance company shall not exceed Rs.1,97,060/- as per the provisions of the Workmen's Compensation Act, provided if it is proved that the deceased was the driver of the vehicle, which got involved in the accident.

i) Permission sought under Section 170 of the MV Act to contest the claim on all the grounds available to the insured, if the owner remains ex-parte or fails to contest the claim.

5. Before the Tribunal the wife of the deceased has been examined as PW1 and Exs.P1 to P6 have been marked. On behalf of the insurance company RW1 and RW2 have been examined and Exs.R1 to R8 have been marked.

5.1. The death certificate filed as Ex.P2 and the certificate of the Sub- Inspector filed as Ex.P3 coupled with Ex.P4 the certificate of the doctor (certifying that the post mortem was done on the dead body of the deceased) proves that the death of the deceased was due to murder. From the perusal of Ex.P1 first information Report and Ex.P5 the final report of the Sub-Inspector of Police, Melur Police Station concluding that the case is undetectable, it is evident that originally the

body (of the deceased) had remained unidentified and even after the identification of the dead body (as that of the deceased), till in the end, the case had remained undetectable.

6. It is the case of the claimants

a) that the deceased had been working as a driver under the first respondent

b) that the murder of the deceased had happened by the use of motor vehicle and

c) that the incident arose out of and in the course of employment.

6.1. Ex.P6, the driving license of the deceased probablise the contention that the deceased was a driver, but the question is whether he was working as a driver under the first respondent.

6.2. It is the contention of the insurance company that the death of the deceased was not an accidental murder, but it is a case of murder simpliciter, but the contention of the claimants is vice versa. Yet another contention of the insurance company is that the relationship of the master and servant between the first respondent and the deceased had not been proved in this case. The fact that the first respondent is the owner of the vehicle itself is under dispute. Therefore, the issues to be considered are;-

1.whether the first respondent is the owner of the vehicle as contended by the claimants or the third respondent is the owner of the vehicle as contended by the insurance company ?

2.Whether the deceased had been working as a driver under the first respondent and there existed the relationship of employer and employee between the first respondent and the deceased?.

3.Whether the alleged murder is an accidental murder or murder simpliciter?

4.Whether the incident of murder took place by the use of motor vehicle and it was also in the course of employment ?

5.Whether there exist privity of contract between the second respondent and the first respondent when the contract of insurance stands in the name of the third respondent?

6.When the deceased himself was the driver of the vehicle and when he himself became the victim of murder, whether the insurance company is legally liable to compensate the claimants?

6.3. Relying upon Ex.R1 dated 25.03.2006 titled as reinvestigation report, wherein it is disclosed that the registration certificate, certificate of insurance and the permit of the vehicle stand in the name of the third respondent and also Ex.R7/the insurance policy (policy issued in the name of the third respondent) it is contended that the third respondent alone is the owner of the vehicle and not the first respondent.

7. This contention of the insurance company has to be answered in the light of the following circumstance, discussed below. Now, the Court has to consider whether it is proved by the claimants that the first respondent is the owner of the vehicle as contended by the claimants.

7.1. It is admitted in the counter filed by the first respondent that he is the owner of the vehicle.

7.2. It has been suggested to PW1 that there had been a contract of transfer of ownership between the first and third respondent and as the first and third respondents failed to inform about the transfer of ownership to the insurance company, there had been violation of the policy conditions. This suggestions clearly go to show that it had been within the knowledge of the insurance company that the vehicle has been transferred from the third respondent to the first respondent and the second respondent has not chosen to admit the same during arguments.

7.3. This conclusion is amply justified from the averments made in the counter filed by the second respondent and in paragraph 9, it is stated as follows:-

"The owner of the vehicle had not intimated this incident to this respondent, about the police action and the driver incharge of the vehicle. So, this respondent had a doubt, whether the alleged driver was an employee of the first respondent as on date 27.06.1997." When the insurance company has contended that as the owner has not intimated the incident to the insurance company, and consequently there is a doubt regarding the employment of the deceased with the first respondent, it is clear that some how or other the insurance company had registered in their mind that the first respondent is the owner of the vehicle as on the date 27.06.1997.

7.4. A perusal of the preamble portion of the Judgment goes to show that the first respondent and the third respondent are represented by the same counsel. The logical conclusion is that there ought not to have been conflicting interest between the first and third respondents and that situation is possible only if there had been transfer of vehicle between the third and first respondents. The transfer of ownership of the vehicle stands probablised because when the first respondent chose to file counter, the third respondent remains ex-parte without even filing any counter. All these circumstances, cumulatively taken together go to show that the first respondent is the owner of the vehicle on the date of accident.

7.5. The further question to be answered is when the policy stands in the name of the third respondent, and the policy was not transferred in the name of the first respondent, whether that would be a ground for the insurance company to deny the liability. Just because the contract of transfer is not informed to the insurance company, the company cannot deny the liability and it is the legal position as per the decision reported in AIR 1999 SC 1398:1999 ACJ 781 (G.Govindan vs. New Indian Assurance Company and ors.). Therefore, this Court hold that even though the insurance policy stands in the name of the third respondent and it has not been transferred in the name of transferee of the vehicle namely, the first respondent, the insurance company cannot deny the liability. Moreover there is provision for deemed transfer as per Section 157 of Motor Vehicles Act and so far as third parties are concerned, the liability of insurance company is absolute. Section 157 (1) of Motor Vehicles Act, reads as follows:-

"157 - Transfer of certificate of insurance.- (1) Where a person in whose favour the certificate of insurance has been issued in accordance with the provisions of this Chapter transfers to another person the ownership of the motor vehicle in respect of which such insurance was taken together with the policy of insurance relating thereto, the certificate of insurance and the policy described in the certificate shall be deemed to have been transferred in favour of the person to whom the motor vehicle is transferred with effect from the date of its transfer. [Explanation.-For the removal of doubts, it is hereby declared that such deemed transfer shall include transfer of rights and liabilities of the said certificate of insurance and policy of insurance.]"

8. Once it is established that the first respondent is the owner of the vehicle then the next question is whether the deceased was the employee under the first respondent. It is admitted in the counter filed by the first respondent (who is the most competent person to say about the employment of the deceased,) that the deceased was employed as the driver under the first respondent. Therefore, this Court hold that the relationship of employer and employee between the first respondent and the deceased has been proved in this case.

9. Whether the death of the deceased was due to murder simpliciter or it is an accidental murder is the next issue to be considered.

9.1. The learned counsel for the insurance company vehemently contended that it is a case of murder simpliciter and not an accidental murder.

9.2. The basic parameter/ principle to be considered in order to decide whether it is a case of murder simpliciter or accidental murder has been given in the following decisions.

i) 2000 SAR Civil 573 SC (Smt. Rita devi & Ors Vs. New India Assurance Company Limited & Another).

ii) 2009(2) TN MAC Page 399 (Gujarat High Court at Ahmedabad) (National Insurance Company Ltd., vs. Gitaben Saitansinh Rajput & Ors Page 405). According to the decisions, if the dominant intention of the crime is to kill the

deceased, then the killing is a murder simpliciter, but if the murder was not originally intended but, if the murder had been caused in furtherance of any other crime or if the murder is consequential to some other crime, then it can be considered to be an accidental murder.

9.3. In this case the facts reveal that the vehicle involved in the accident is the taxi and from the taxi stand two of them have taken the taxi and the deceased had gone with the taxi along with those two persons and thereafter, the deceased had been found dead, but the car remained untraceable. No previous enmity has been made out between the deceased and the persons, who abducted the deceased. Therefore, the implications is that the main object could have been to commit theft of the vehicle and in that attempt consequentially the deceased had been murdered.

9.4. The probability is more in favour of, the prime intention of the crime, could have been the theft of the vehicle and the consequential incident ought to have been the murder.

9.5. The learned counsel for the insurance company submitted that as there had been some political symbol found on the body of the deceased, it could have been a political murder. This contention appears to be improbable, as, if it had been a case of intentional murder, then the legal representative of the deceased would not have chosen to remain idle, when the case was closed as undetectable. In that case, after the Police referring the case, as undetectable, they would have taken some legal steps to identify the culprit, but they have not done so. These circumstances, holistically taken go to show that the primary idea of the crime is to commit theft of the vehicle and the inevitable consequence had been the murder.

10. The next issue to be decided is whether the murder has connection/link/nexus with the use of motor vehicle and the claims tribunal has got jurisdiction.

10.1. The learned counsel for the insurance company has contended that the claims tribunal has no jurisdiction as the incident of murder is neither an accidental murder nor it arose of use of motor vehicle. In the decision reported in 2009 TNAMC 399, it has been held as follows:

"The use of vehicle means it covers driven, repaired, parked, kept stationary or left unattended condition of vehicle in question or involved in accident. The accident is incidental to use of motor vehicle. Then jurisdiction of claims Tribunal is not restricted under provision of M.V. Act."

10.2. The Gujarat High Court in the decision reported in 2009(2) TNMAC Page 399 (National Insurance Company Ltd., vs. Gitaben Saitansinh Rajput & Ors Page 405) has held that the jurisdiction of claims Tribunal under provisions of Motor Vehicle Act is not ousted. The decision reported in (2001)2 SCC 9:2001 ACJ 428 , (Decided On: 03.01.2001) Smt. Kaushnuma Begum & Ors. vs. The New India Assurance Co. Ltd. and Ors. is relied upon. The issue answered by the Hon'ble Supreme Court relates to the following question:-

"Can a claim be maintained before the Motor Accident Claims Tribunal ('Tribunal' for short) on the basis of strict liability propounded in Rylands vs. Fletcher 1861 All E R 1 The Tribunal dismissed a claim made before it solely on the ground that there was neither rashness nor negligence in driving the vehicle and hence the driver has no liability, and the corollary of which is that the owner has no vicarious liability to pay compensation to the dependants of the victim of a motor accident."

10.3. The important observations of the Hon'ble Apex Court made in the aforesaid decision as under:-

"8. We have to proceed on two premises based on the finding of Tribunal. The first is that there was no negligence or rashness on the part of the driver of the Jeep. Second is that the deceased was knocked down by the jeep when its front tyre burst and consequently the vehicle became unbalanced and turned turtle. Should there necessarily be any negligence of the person who drove the vehicle if a claim for compensation (due to the accident involving that vehicle) is to be sustained?

10. Section 165(1) of the Motor Vehicles Act confers the power on the State Government to constitute one or more Motor Accidents Claims Tribunals by notification in the Official Gazette for such area as may be specified in the notification. Such Tribunals are constituted for the purpose of adjudicating upon claims for compensation in respect of accidents involving the death of or bodily

injury to persons arising out of the use of motor vehicles, or damage to any property of a third party so arising, or both. Section 175 of the Motor Vehicles Act contains a prohibition that 'no civil court shall have jurisdiction to entertain any question relating to any claim for compensation which may be adjudicated upon by the Claims Tribunal.

11. It must be noted that the jurisdiction of the Tribunal is not restricted to decide claims arising out of negligence in the use of motor vehicles. Negligence is only one of the species of the causes of action for making a claim for making a claim for compensation in respect of accidents arising out of use of motor vehicles. There are other premises for such cause of action.

(emphasis supplied)

12. Even if there is no negligence on the part of the driver or owner of the motor vehicle, but the accident happens while the vehicle was in use, should not the owner be made liable for damages to the person who suffered on account of such accident? This question depends upon how far the rule in Rylands v. Fletcher 1861 73 All ER 1, can apply in motor accident cases. The said rule is summarised by Blackburn, J., thus:

"The true rule of law is that the person who for his own purposes, brings on his land, and collects and/or keeps there anything likely to do mischief if it escapes, must keep it at his peril and, if he does to do so, he is prima facie answerable for all the damage which is the natural consequences of its escape. He can excuse himself by showing that the escape was owing to the plaintiff's default, or, perhaps, that the escape was the consequences of vis major, or the act of God; but as nothing of this sort exists here, it is unnecessary to inquire what excuse would be sufficient."

13. The House of Lords considered it and upheld the ratio with the following dictum: "We think that the true rule of law is that the person who for his own purposes, brings on his land and collects and keeps there anything likely to do mischief if it escapes, must keep it at his peril and if he does not to do so, he is prima facie answerable for all the damage which is the natural consequences of its

escape. He can excuse himself by showing that the escape was owing to the plaintiff's default, or, perhaps that the escape was the consequences of vis major or the act of God; but as nothing of this sort exists here it is unnecessary to inquire what excuse would be sufficient."

19. Like any other common law principle, which is acceptable to our jurisprudence, the rule in Ryland v. Fletcher 1861 73 All ER 1, can be followed at least until any other new principles which excels the former can be evolved, or until the legislation provides differently. Hence we are disposed to adopt the Rule in claims for compensation made in respect of motor accidents.

20. ..... We are, therefore, of the opinion that even part from Section 140 of the Motor Vehicles Act, a victim in an accident which occurred while using a motor vehicles, is entitled to get compensation from a Tribunal unless any one of the exceptions would apply. The Tribunal and the High Court have, therefore, gone into error in divesting the claimants of the compensation payable to them."

10.4. Summarizing the findings of the Supreme Court it has been observed by the Gujarat High Court in the decision cited supra.

"17. From a close analysis of the aforesaid decision it is clear that in para 7 of the decision, the Hon'ble Apex Court has formulated specific question, i.e., should there necessarily be negligence of the person who drove the vehicle if claim for compensation (due to the accident involving that vehicle) is to be sustained? Thereafter in para 10 of the decision it has been categorically held that it must be noted that the jurisdiction of Tribunal is not restricted to decide claims arising out of negligence in the use of motor vehicles. Negligence is only one of the species of the causes of action for making a claim for compensation in respect of accident arising out of motor vehicles. There are other premises for such causes of action. In para 11 of the decision the Hon'ble Supreme Court again emphasised that even if there is no negligence on the part of driver or owner of motor vehicle but accident happens while the vehicle was in use should not owner be liable for damages to the persons who suffered on account of such an accident? Thereafter, Hon'ble Apex Court has dealt with the rule of strict liability propounded in Rylands v. Fletcher 1861 73 All ER 1, wherein Blackburn, J., had summarised the rule that

the person who for his own purposes, brings on his land and collects or keeps there anything likely to do mischief if it escapes, must keep it at his peril, and if he does not do so, he is prima facie answerable for all the damage which is the natural consequences of its escape and ultimately in para 19 of the decision the Supreme Court gave a concluded opinion that even apart from Section 140 of Motor Vehicles Act, a victim in an accident which occurred while using a vehicle is entitled to get the compensation from the Tribunal unless any one of the exceptions provided in Rylands v. Fletcher would apply."

10.5. Thus in view of aforesaid decision, it is clear that the allegation and proof of negligence in the use of motor vehicle on the part of driver or owner of the motor vehicle is not a condition precedent for entertaining the claim for compensation. What is essential is that the accident should be incidental to the use of motor vehicle. Therefore, as the incident arose out of use of motor vehicle the tribunal has got jurisdiction .

11. The learned counsel for the appellant contended that there is no evidence at all for the use of vehicle in this case. Pointing out the first information report, the learned counsel for the appellant contended that the first information report did not speak anything about the use of vehicle. From the surrounding circumstances available in this case, one cannot reasonably expect any information regarding use of vehicle in the first information report, as the first information report itself was given by the VAO who is no way connected with the alleged incident. On information that a dead body is lying unidentified, the VAO, in his report, has mentioned only about the availability of a dead body in the field of one Abdulla. Therefore, just because there is no mention of any vehicle in the first information report, it cannot be concluded that the vehicle was not used in the incident.

11.1. It is relevant to point out that the documents relied upon on the side of insurance company itself speak about the fact about there is use of vehicle in the incident of murder. The insurance company has filed Ex.R3/the final report of the Inspector of Police, Melur Police Station, wherein the following observations are made by the investigating officer:-

1. The murder is not due to previous enmity.

2. The murder is one of murder for gain.

3. On 27.06.1997 at about 5.30 p.m. the vehicle bearing registration number TN-59A 5994 had been taken for hire by two persons to Pudukkottai.

4. Those two persons had stolen away the vehicle after killing the driver and leaving the dead body on the field of one Abdullha. 5. Despite the formation of the special squad which was specially formed to identify the criminals and the vehicle and despite elaborate steps taken to identify the vehicle, they are not able to identify even after the expiry of one year. Therefore, they are constrained to close the case.

11.2. The insurance company has also filed Ex.R1 dated 25.03.2006, which is the report of the investigation officer specially and privately engaged by the insurance company to investigate the alleged incident. The investigating officer has quoted about the press report of the incident in all the newspapers on 01.07.1997. The investigation officer has also mentioned about the earlier attempt made about six months back to steal the car and how the alleged attempt to take away the car had been thwarted by the public at Vadamadurai. Opinion was also been given that after committing the murder of the driver Sultan the car had been stolen by the unidentified persons. The further opinion is that the murder itself is with an ultimate objective of stealing away of the car. After having filed such a report, it is not open to the insurance company to contend that use of vehicle is not proved in this case.

11.3. Therefore, this Court hold that the accident/murder is incidental to the use of motor vehicle.

12. The learned counsel for the insurance company relied upon the decision reported in 1993 ACJ 522 (New India Assurance Company V. Meenal and ors) and contended that the claim petition itself is not maintainable on the very plea of the claim petition itself, as there is no allegation regarding negligence on the part of the driver/owner and therefore, in the absence of any pleadings/proof regarding fault on the part of the driver(deceased himself)/owner, the insurance company will not be legally liable. In other words, when there is no vicariously liability which could be fastened on the part of the owner, the insurance company cannot be

made liable.

12.1. Negligence is only one of the species of the causes of action for making a claim for compensation in respect of accident arising out of motor vehicles. There are other premises for such causes of action. But no cause of action is alleged in the petition. In this case, the deceased himself is the driver of the car. There is no evidence regarding the person, who could have driven the car at or about the time of incident. The only witness examined on the side of the claimant is the wife of the deceased who is not the eye witness. The circumstances available in this case do not permit invoking of the principle of Rep ipso loquitor. Having regard to the peculiar facts and circumstances of the case, and in the absence of pleadings and proof, except on the "use of motor vehicle", this Court hold that the claim cannot be decreed under the provisions of Motor Vehicles Act.

13. What is the remedy open to the claimants? As discussed earlier the relationship of master and servant that is employer and employee between the first respondent and the deceased has been established. There is also a finding that the accident arose out of and in the course of employment. Therefore, the claim could be considered under the provisions of Workmen's compensation Act.

13.1. The Workmen's Compensation Act, is a piece of social security legislation. It provides for speedier, simpler, cheaper and efficient machinery for the determination and payment of compensation to the workmen. The liability for payment of compensation under the Act is not in the nature of tort. It has no connection with any wrong doing on the part of the employer. It does not result from any neglect or default on his part. It is in the nature of insurance of workmen against certain risk of accident and as held in AIR 1958 MP 133, the Act has its route in charity, sympathy and advancement of socialistic ideals. Section 4 of the Act provides for compensation to be paid when injury/death is the result of the accident. The amount of compensation payable as per Section 4(1)(a) where death result from the injury is provided in Schedule IV. The calculation of compensation is determined by taking into account both the monthly wages and the age of the workmen for which a factor chart has been provided in the Schedule IV. Where ever, the monthly wages exceeds Rs.2,000/- it shall be deemed to be

Rs.2,000/- only. 13.2. In this case, the Claimant has stated that the deceased was earning a sum of Rs.5,000/- per month. Taking the modest estimate of monthly income at Rs.4,000/- per month and adopting the factor 197.06, which is meant for, when the age is 35, the compensation payable would be Rs.4,000 / 2 (50% of the wages) X 197.06 = 3,94,120/-. The provision of payment of funeral expenses of Rs.1,000/-, in addition to the amount of compensation under the Act, has also been provided by Section 4 of the amending Act 30 of 1995. Therefore, a sum of Rs.1,000/- is awarded towards funeral expenses. Therefore, the total quantum of compensation payable would be Rs.3,95,120/- rounded to Rs.3,95,000/- (Rupees three lakhs ninety five thousand only).

14. There is a valid policy coverage covering the employees of the car also (for whom the premium has been separately paid) and therefore, the compensation shall be paid by the insurance company. It is relevant to mention that the accident has taken place on 27.06.1997. Award has been passed on 22.01.2010. Award has been passed for a sum of Rs.3,24,000/-. The insurance company has admitted its liability at least to the extent of Rs.1,97,000/- under the provisions of Workmen's Compensation Act. But, the insurance company has chosen to take a incorrect defence with reference to ownership of the vehicle involved in the accident. The inconsistency between the defence taken in the written statement, the defence taken during cross examination of PW1 and the defence taken even before the appellate Court are totally contradictory to each other.

15. Already the claimants are suffering due to the accidental murder of the deceased. Whether their hopes, their expectations and their future should also be murdered is the issue. Law is meant only for the protection of the Public. This special legislation like Social Welfare and Social Security Legislation are meant only to do meaningful effective and quick justice to the suffering mass. Taking invalid/incorrect/insensitive defences irrespective of the nature of the sufferings certainly causes indelible impression in the mind of the victims that those public sector undertakings are not meant for public cause or public good. The insurance company do not stand to gain by taking this incorrect defence. This Court expects that at least in future the insurance company will take a responsible defence.

16. In the result, the appeal is dismissed with costs. However, the finding of the Tribunal that the compensation is payable under the provisions of Motor Vehicle Act is set aside. The compensation is made payable as per the provisions of Workmen's Compensation Act. The compensation awarded by the tribunal is enhanced from Rs.3,24,000/- to Rs.3,95,000/-. The insurance company shall pay the compensation of Rs.3,95,000/- with interest at 7.5% per annum from the date of expiry of 30 days from the date of accident till the date of deposit, within a period of 8 weeks from the date of receipt of a copy of this order. On such payment being made, the claimants are permitted to withdraw the same. Consequently, the connected Miscellaneous Petition is closed.