

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Misc. Appeal No. 90 of 2019

(1) Sampati Devi wife of Dara Manjhi @ Dara Singh Mardi, aged about 38 years
(2) Dara Manjhi @ Dara Singh Mardi son of Late Kunwar Manjhi aged about 46 years
(3) Samir Marandi son of Dara Manjhi @ Dara Singh Mardi aged about 10 years
(4) Gunit Mardi son of Dara Manjhi @ Dara Singh Mardi aged about 9 years
(5) Sarita Mardi daughter of Dara Manjhi @ Dara Singh Mardi aged about 16 years
(6) Srimati Kumari daughter of Dara Manjhi @ Dara Singh Mardi aged about 14 years
(Appellant no. 3 to 6 are minors hence represented through their legal guardian and mother the appellant no. 1 Sampati Devi)
All resident of Village- Tetuliya, P.O. and P.S.- Sector 12, District- Bokaro. ... Appellants

Versus

(1) Anil Kumar son of Ram Vilash Singh, resident of Veer Kunwar Singh Colony, Q No. 83, C Type Quarter, K. Kunj, Aerodram Road, Hinoo, P.O. and P.S. Hinoo, District Ranchi, pin code- 834002. (Owner of Tanker No. JH01AG-0712)
(2) Subhash Kumar, son of Bhulan Singh, resident of Madgada, P.O.-Relotoul, P.S.- Rajpur, District- Chatra, at present residing at Veer Kunwar Singh Colony, Q No. 83, C Type Quarter, K. Kunj, Aerodram Road, Hinoo, P.O. and P.S.- Hinoo, District- Ranchi, pin code-834002. (Driver of Tanker No. JH01AG-0712)
(3) M/s United India Insurance Company Limited, represented through Divisional Manager, having its office at A-I City Centre, Sector IV, B. S. City, P.O. and P.S.- Sector IV, Bokaro Steel City, District-Bokaro vide policy No. 2106043116P104370841 Valid from 06.07.16 to 05.07.17 ... Respondents

CORAM: HON'BLE THE CHIEF JUSTICE

For the Appellants : Mr. Nikhil Ranjan, Advocate
Mr. Ishon Ashish, Advocate.
For Resp. No.3 : Mr. Ganesh C. Jha, Advocate

14/Dated:17.04.2026

1. Heard learned counsel for the parties.
2. With the consent of the learned counsel for the parties, the appeal is taken up for final disposal.

3. The challenge in this appeal is to the judgment and Award dated 14th December 2018 made in Motor Accident Claim Case No. 34 of 2017 by the Motor Accident Claims Tribunal at Bokaro (Tribunal) to the extent it awards the appellants-claimants compensation of only Rs. 7,36,000/- with interest @ 6 per cent per annum.
4. The learned counsel for the appellants submits that the deceased, Vishu Mardi, was an Electrician having an ITI Diploma, earning Rs. 12,000/- per month. However, his income was wrongly taken to be only Rs. 5,000/- per month, when, in fact, even the minimum wages notification at the relevant time refers to wages of Rs. 10,450/- for a skilled worker.
5. The learned counsel for the appellant further submitted that consortium has not been awarded to each of the claimants, but only an amount of Rs. 40,000/- has been awarded to all the claimants.
6. The learned counsel for the Insurance Company submits that proper compensation has been awarded because there was no evidence of the deceased, Vishu Mardi's, earnings. He further submits that the notification regarding high-skilled workers would not apply in this case because the deceased held only an ITI Diploma and had no work experience.
7. The rival contentions now fall for determination.
8. In this case, there is no dispute that Vishu Mardi, who died in the vehicular accident, was 20 years old and was working as an electrician. There is also evidence that he had an ITI Diploma to practice this trade.

Though no documentary evidence was produced in support of the income of Rs. 12,000/-, it is reasonable to hold that the deceased, Vishu Mardi, was earning at least Rs. 8,000/- per month, considering his qualification and trade. This is even accepting the learned counsel for the Insurance Company's case that the minimum wages notification, which applied to highly skilled workers, will not apply to the present case. To this monthly income of Rs. 8,000/-, a 40 per cent increase is due for future prospects. This means that Vishu Mardi's monthly income would be at least Rs. 11,200/-.

9. Vishu Mardi was a bachelor and therefore, 50 per cent deduction is due because that would be the amount to have spent on himself. Such deduction is in accordance with the Hon'ble Supreme Court's decision in ***Sarla Verma (Smt) and others Vs Delhi Transport Corporation and another, (2009) 6 SCC 121***. There is no dispute about Vishu Mardi's age, and consequently, the multiplier to be applied would be 18. Thus, compensation towards dependency would come to Rs. 12,96,000/-.

10. In addition to the above amount, compensation of Rs. 40,000/- will have to be awarded to each claimant towards the consortium. Since there were six claimants, this amount would come to Rs. 2,40,000/-. Besides, Rs. 15,000/- will have to be paid towards funeral expenses and another Rs. 15,000/- towards loss of the estate.

11. The total compensation would thus come to Rs. 14,79,600/- and not merely Rs. 7,36,000/-.

12. The above amount will carry interest @ 6 per cent per annum from the date of institution of the claim petition till realisation.

13. Accordingly, this appeal is partly allowed by enhancing the compensation to Rs. 14,79,600/- together with interest @ 6 per cent per annum from the date of institution of the claim petition till actual payment of the said amount to the claimants.

14. The learned counsel for the Insurance Company states that compensation in terms of the impugned Award has already been paid to the claimants. This position is not disputed by the learned counsel for the appellants/claimants.

15. Therefore, now, the Insurance Company is directed to deposit the differential amount together with interest as now determined in this Court within six weeks from today, after due intimation to the learned counsel for the appellants.

16. Upon deposit, the appellants shall be entitled to withdraw the amount by submitting their identity and bank details so that the Registry can directly transfer the amount to their bank accounts. The investment directions in the impugned order are maintained and must be followed.

17. The appeal is partly allowed without any order for costs. Pending I.As., if any, are disposed of.

18. All concerned are to act on an authenticated copy of the order.

(M. S. Sonak, C.J.)

17.04.2026

N.A.F.R.

APK/VK

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