

IN THE HIGH COURT OF JHARKHAND AT RANCHI
M. A. No. 299 of 2017

M/s United India Insurance Co. Ltd., Matkuria Road, Dhanbad,
represented through its Sr. Divisional Manager, United India Insurance
Company Ltd., Ranchi Division, Vypar Bhawan, Lalji Hirji Road,
Ranchi, P.O. Ranchi, P.S. Kotwali, District Ranchi, Jharkhand.

... Defendant No.1/Appellant

Versus

1. Rubi Devi Sharma, W/o Late Satyendra Sharma, aged about 34 years,
2. Nitu Kumari, D/o Late Satyendra Sharma, aged about 12 years,
3. Anju Kumari Sharma, D/o Late Satyendra Sharma, aged about 10 years,
4. Golu Kumar Sharma, S/o Late Satyendra Sharma, aged about 8 years.

~~5. Chinta Devi (since dead), W/o Babulal Sharma, aged about 64 years,~~

6. Babulal Sharma, S/o Late Jhari Sharma, aged about 69 years,
Plaintiff/Claimant Nos. 2 to 4 are minor children of the deceased,
being represented through their mother and natural guardian
Plaintiff/Claimant/Respondent No.1, Smt. Ruby Devi Sharma.

All are resident of at present village Kanshitand, P.O. Yadavpur, P.S.
Barwadda, District Dhanbad.

7. Prabhu Gope, S/o P. Gope, resident of village Harila, P.O. Barhi, P.S.
Barhi, District-Hazaribagh, Jharkhand, owner of Trailer

... Defendant No.2/Respondents

CORAM: HON'BLE THE CHIEF JUSTICE

For the Appellant: Mr Manish Kumar, Advocate
For the Respondents: Mr Jitendra Tripathi, Advocate

09/Dated:25.08.2026

1. Heard Mr Manish Kumar, holding for Mr Ganesh Jha, learned
counsel for the appellant, and Mr Jitendra Tripathi, learned counsel
for respondent Nos.1 to 4 & 6.

2. Mr Tripathi points out that the 5th respondent, i.e. Chinta Devi, expired on 7th of July 2023. He submits that her legal representatives are already on record as Respondents 1 to 4 and 6. Accordingly, there is no need to adjourn this matter or to direct that any other legal representative be brought on record. Leave is granted to the Court Master to correct the cause title by striking off the name of the 5th respondent.
3. This appeal is directed against the judgment and award dated 8th of March 2017 made by the Motor Accident Claims Tribunal at Dhanbad in Motor Accident Claim Case No. 10 of 2016.
4. Mr Manish Kumar submitted that the evidence on record does not justify determining the deceased's income at Rs. 6,000/- per month. Further, without prejudice, he submitted that only 40% could have been added towards future prospects and not 50%.
5. Mr Tripathi submitted that the evidence on record justifies the income as determined. He submitted that compensation towards consortium, funeral expenses, and loss of estate has not been determined in terms of the law laid down in **Sarla Verma v. DTC**, (2009) 6 SCC 121, and **National Insurance Co. Ltd. v. Pranay Sethi**, (2017) 16 SCC 680.
6. Accordingly, Mr Tripathi submits that this appeal should be dismissed.
7. The rival contentions now fall for my determination.
8. Insofar as determination of the income of the deceased is concerned, the claimants had pleaded that the deceased was earning

Rs.12,000/- per month. Three witnesses were examined, who also stated that the deceased was earning Rs. 12,000/- per month by owning and driving a vehicle.

9. However, the Tribunal correctly noted that neither were the details of the vehicle proved nor was the deceased's driving license produced on record. The Tribunal held that the income of the deceased as a daily worker could be held to be Rs. 200/- per day and, on such basis, concluded that the income of the deceased would be Rs. 6,000/- per month or Rs. 72,000/- per annum.
10. In such matters, some amount of guesswork is permissible. At least three witnesses had deposed in this matter. Though their deposition that the deceased was earning Rs. 12,000/- per month could not have been accepted, there is no reason to discard their evidence altogether. Accordingly, the first ground urged in support of this appeal has no merit, and the Tribunal did not err in determining the deceased's income as Rs. 6,000/- per month.
11. In terms of **Sarla Verma (supra)** and **Pranay Sethi (Supra)**, since it is not established that the deceased had a regular or a permanent job or income, the addition towards future prospects will have to be 40% and not 50%. Accordingly, the total compensation amount determined by the Tribunal may have to be reduced. However, in this case, the Tribunal has awarded a consolidated amount of Rs.1,00,000/- towards loss of consortium, even though the number of claimants in this case was six. Considering the law laid down in **Magma General Insurance Co. Ltd. v. Nanu Ram**, (2018) 18

SCC 130, an amount of Rs. 40,000/- will have to be paid to each of the claimants towards consortium. Thus, the compensation towards loss of consortium would be Rs. 2,40,000/- and not merely Rs. 1,00,000/-. Given this award, the compensation towards loss of care and guidance will have to be deleted, but compensation of Rs. 15,000/- will have to be awarded for funeral expenses and another Rs. 15,000/- towards loss of estate.

12. Thus, even by accepting Mr Manish Kumar's contentions that addition towards future prospects should have been only to the extent of 40% and no compensation should have been awarded towards loss of care and guidance, still, the total compensation amount would come to Rs. 14,79,600/- and not merely Rs. 14,56,000/- as determined by the Tribunal.
13. It is well settled that it is the duty of the Court to award just compensation. Where the compensation amount is found not to be just, the appellate court can enhance it even in the absence of any cross-appeal or cross-objections, as held in **Surekha v. Santosh**, (2021) 16 SCC 467.
14. Accordingly, this appeal is dismissed but after enhancing the compensation amount from Rs. 14,56,000/- to Rs. 14,79,600/-. The interest awarded by the Tribunal is maintained.
15. The appellant-Insurance Company must now deposit the enhanced component along with interest in this Court within six weeks from today, after due intimation to the learned counsel for the claimants.

16. Upon deposit, the Registry should transfer this amount to the bank accounts of the claimants since Mr Tripathi has agreed to provide the identity and bank details to the Registry.
17. The appellant is at liberty to deposit the enhanced amount after adjusting the statutory deposit already made in this Court, or the appellant may deposit the entire enhanced amount along with interest and upon such deposit, the Registry to refund the statutory deposit amount of Rs. 25,000/- along with interest if any, that shall have accrued on this amount to the appellant-Insurance Company.
18. Mr Manish Kumar states that, out of the awarded amount deposited before the Tribunal, the claimants have already withdrawn Rs. 9,00,000/-. If so, the claimants shall be entitled to withdraw the balance amount together with interest, if any, that has accrued on such amount by providing the bank and identity details to the Tribunal/Executing Court.
19. All amounts should be transferred to the claimants only through regular banking channels and not otherwise.
20. The appeal is disposed of on the above terms without any order for costs.

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

August 25th, 2026

N.A.F.R.

Manoj/Shahid/Cp.2

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