

IN THE HIGH COURT OF JHARKHAND AT RANCHI

M.A. No. 660 of 2016

1. Shanti Devi, W/o late Shyam Sunder Prasad,
2. Suraj Kumar Verma, S/o late Shyam Sunder Prasad,
3. Minor Prakash Kumar Verma, S/o late Shyam Sudner Prasad,
represented by mother guardian Shanti Devi,
4. Punam Kumari @ Punam Kumari Verma, D/o. late Shyam Sudner
Prasad,
5. Minor Suman Kumari, D/o late Shyam Sudner Prasad, represented
by mother and natural guardian Shanti Devi,

All are resident of Bajrang Tekri, Near Shitla Mandir, P.O.-
Jugsalai, PS- Bagbera, Town Jamshedpur, District- East
Singhbhum.

..... Claimants/Appellants

Versus

1. Shushil Prasad, S/o Mithlesh Prasad, R/o Cross Road No.8, Qr.
No. L4/27, Sidhgora, P.O.- Agrico, Town- Jamshedpur, District –
Singhbhum East.
2. National Insurance Company Ltd. Divisional Office at Hindustan
Building, Main Road, Bistupur, PO & PS- Bistupur, Jamshedpur,
District – East Singhbhum.

... Opp. Parties/Respondents

CORAM: HON'BLE THE CHIEF JUSTICE

For the Appellants: Mr. Mayank Kumar, Advocate
Mr. J.N. Upadhyay, Advocate
Mr. Rahul Kumar, Advocate
Ms. Harshikha Kumari, Advocate
For Resp. No.2: Mr. Niraj Nayan Mishra, Advocate

18/Dated: 20.02.2026

1. Heard learned counsel for the parties.
2. The challenge in this appeal is to the impugned award dated
02.08.2016 to the extent it awards a meagre compensation of Rs.
4,11,000/- for the demise of Shyam Sunder Prasad, the claimants'
husband/father, in a vehicular accident on 16.07.2013.

3. The learned counsel for the appellant firstly sought an adjournment in the matter, but when it was clarified that, as the appeal relates to 2016, no requests for adjournment would be entertained, the learned counsel applied for a pass over to enable himself to prepare for the matter. The pass over was granted, and thereupon, the learned counsel for the appellant has argued in this matter.

4. The Tribunal in this case has determined the deceased's monthly income to be Rs. 3,000/-. This is despite evidence that the deceased worked as a Machine Operator at G.R. Industries, Adityapur. A certificate was issued by this Establishment stating that he was drawing Rs. 7,900/- per month. A.W. 4, on behalf of the Establishment, deposed in the matter and proved the certificate which was marked as Exhibit-2.

5. The Tribunal, after noting that some amount of guess work is permissible and because no pay slip, PF deductions or income tax deductions documents were produced, determined the monthly salary at only Rs.3000/- Considering that the salary of the deceased was only Rs.7,900/-, there was no reason to conclude that the deceased was a tax-payer and that deductions from the salary were a must. So, deductions for PF depend on several factors, including the number of employees. There was no reason to doubt the evidence of A.W. 4 or the certificate which was proved through him.

6. The accident took place in 2013, and the deceased, who was about 50 years old at the time of the accident and his demise, was working as a Machine Operator. Accordingly, it is difficult to accept his salary as only Rs. 3,000/- per month, or that the salary of Rs. 7,900/-

per month was highly exaggerated. Therefore, the deceased's salary will be determined at Rs. 7,900/- per month. A 30% addition will have to be made towards future prospects. At the same time, a 25% deduction will have to be made because this amount the deceased would have used for himself. This is consistent with 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**.

7. Therefore, the compensation towards dependency would come to Rs. 9,61,272/-. To this amount, compensation of Rs. 2,00,000/-, i.e., Rs. 40,000/- per claimant, will have to be added towards spousal and filial consortium. Besides, the claimants should be entitled to Rs. 15,000/- towards loss of estate and Rs. 15,000/- towards funeral expenses. This takes the total compensation amount to Rs. 11,91,272/-.

8. Accordingly, this appeal is allowed, and the compensation amount is enhanced from Rs. 4,11,000/- to Rs. 11,91,272/-. The directions regarding apportionment and payment of interest, including pay and recovery order are maintained.

9. The learned counsel for the Insurance Company states that the compensation in terms of the impugned award has already been paid in full. Now, the Insurance Company will have to pay the balance amount for the enhancement granted within two months. This amount should be directly transferred to the claimants' bank accounts. The claimants must provide their identity documents and bank details to the Insurance Company as soon as possible.

10. The Member Secretary of the DLSA in the district of East Singhbhum should personally look into this matter and assist the claimants so that they directly receive the compensation amount into their bank accounts.
11. The Registry is to send an authenticated copy of this judgment and order to the Member Secretary, DLSA, District-East Singhbhum and the Member Secretary is directed to provide all assistance to the claimants.
12. The appeal is allowed in the above terms, without any costs.
13. All concerned are to act on an authenticated copy of this order.
14. Interim applications, if any, stand disposed of.

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

February 20, 2026

N.A.F.R.

Manoj/Sharda/Cp.2

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