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C.A.No. 4369 OF 1999

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ITEM NO.112

COURT NO. 3

SECTION IV

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

CIVIL APPEAL NO. 4369 OF 1999@@

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Lal Singh & Ors. ... Appellant (s)

Vs.

Bhairu & Ors. ... Respondent (s)

(With Office Report)

Date: 31/10/2002 This/These matter(s) was/were called
on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V.N. KHARE
HON'BLE MR. JUSTICE ASHOK BHAN

For appellant (s) Dr. K.S. Chauhan,Adv.
Mr. Chand Kiran,Adv.
Mr. G.R. Chauhan,Adv.

For respondent (s) Mr. A.K. Raina,Adv. for
Mr. R.D. Upadhyay,Adv.

UPON hearing counsel, the Court made the following
O R D E R

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.SP2

Heard learned counsel for the parties for 10
minutes.

The appeal is allowed. No order as to costs.

.SP1

(Neelam Kawatra)
A.R.-cum-P.S.

(S. Krishnan)
Court Master

Signed order is placed lon the file.

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.4369 OF 1999@@
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Lal Singh & Ors. Appellant (s)

versus

Bhairu & Ors. Respondent (s)

O R D E R@@
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On 15.4.1995, one Suresh Kumar s/o Sh. Lal Singh - appellant No.1 herein died in a motor accident. The appellants filed a Claim Petition before the Motor Accident Claims Tribunal, Rewari. The Tribunal awarded a sum of Rs. 86,400/- along with interest @ 12% p.a. towards compensation. The appellants preferred an appeal before the High Court. The High Court partly allowed the appeal and enhanced the compensation to Rs. 1,15,000/-. Still not satisfied, the appellants have preferred this appeal.

It is not disputed that the monthly income of the deceased was Rs. 1300/- and he was unmarried. If 1/3rd of the earning towards deceased's personal expenditure is excluded, the loss of dependency would come to Rs.877/- p.m. or Rs.10,325/- per annum. In the present case, the Court below has applied multiplier of 16. If on the said amount, ...2..

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multiplier of 16 is applied, the total compensation which is payable comes to Rs.1,65,000/- towards the loss of the dependency. Besides this, a sum of Rs.10,000/- on account of consortium and Rs.5000/- towards expenses incurred on the last rites of the deceased has already been awarded by the High Court.

For the aforesaid reasons, the respondent-Insurance Company is liable to pay the enhanced compensation of Rs. 65000/- along with interest @ 9% p.a. on the enhanced amount. Accordingly, the judgment under challenge shall stand modified.

The appeal is allowed. There shall be no order as to costs. The respondent-Insurance Company shall deposit the aforesaid amount within eight weeks from today before the Tribunal which may be withdrawn by the appellants.

.SP1
.....J
(V.N. Khare)

New Delhi,
October 31, 2002.

.....J
(Ashok Bhan)