

Court No. - 2

Case :- FIRST APPEAL FROM ORDER No. - 580 of 2007

Appellant :- Smt. Chawali Devi And Another

Respondent :- U.P.S.R.T.C. And Others

Counsel for Appellant :- Anju Shukla, Nigamendra Shukla

Counsel for Respondent :- Avanish Mishra, Jadu Nandan Yadav, Renu Mishra, Sunil Kumar Mishra, Syed Ali Murtaza, Vikas Sahai

Hon'ble Saral Srivastava, J.

1. Heard learned counsel for the claimants/appellants and learned counsel for the respondents.
2. The present appeal has been preferred by the claimants/appellants for enhancement of compensation against the judgement and award dated 09.11.2006 passed by the Motor Accident Claims Tribunal/Special Judge (SC/ST Act), Meerut in M.A.C.No.765 of 2003 (Smt. Chawali Devi and another Vs. U.P.S.R.T.C. and others).
3. Challenging the award, learned counsel for the appellants has contended that the accident had taken place on 13.03.2000. The deceased was a driver and was also engaged in agriculture work and used to earn Rs.4500/- per month, but the Tribunal has erred in law in holding the income of the deceased to be Rs.1500/- per month i.e. Rs.18,000/- per annum and it is common knowledge that in the year 2000, the income of a person who was doing the work of driver and agriculture was not less than Rs.2000/- per month and thus, the Tribunal should have taken Rs.2,000/- per month the income of the deceased instead of Rs.1500/- per month. It is contended that the Tribunal has erred in law in applying the multiplier of 12, whereas the Tribunal ought to have applied the

multiplier of 18 considering the age of parents as the deceased was a bachelor in view of the judgement of the Apex Court in the case of **Sarla Verma and others Vs. Delhi Transport Corporation and others 2009 (6) SCC 121**. Lastly, it is submitted that a very meagre amount of Rs.4500/- has been awarded towards non-pecuniary damages, whereas the claimants/appellants are entitled to Rs.15,000/- under the aforesaid head.

4. Per contra, learned counsel for the respondents submits that the compensation awarded by the Tribunal is just and proper hence, the same does not call for interference by this Court in the appeal.

5. I have considered the rival submissions of the parties and perused the record.

6. The submission of learned counsel for the claimants/appellants with regard to the income of the deceased has got force, therefore, this Court holds that the compensation shall be computed by taking the income of the deceased to be Rs.2,000/-- per month i.e. 24,000/- per annum in place of Rs.1500/- per month i.e. Rs.18,000/- per annum.

7. This Court is also of the view that the submission of learned counsel for the claimants/appellants with regard to multiplier of 18 in view of the judgement of Apex Court in the case of Sarla Verma (supra) has got substance. Accordingly, this Court holds that compensation should be calculated by applying the multiplier of 18 instead of 12. The non-pecuniary damages of Rs.4500/- awarded by the Tribunal is not adequate and is also enhanced to Rs.15,000/-.

8. The enhanced amount of award shall carry 6% interest from the

date of the institution of claim petition till the date of its payment.

9. For the reasons given above, the appeal is partly allowed and award of the Tribunal is modified to the extent as indicated above. The insurance company is directed to pay the enhanced amount of compensation to the claimants/appellants within a period of three months from the date of production of certified copy of this order. There shall be no order as to cost.

Order Date :- 17.10.2023

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