



HIGH COURT OF UTTARAKHAND AT NAINITAL

Appeal From Order No. 681 of 2017

Vinod Kumar and another Appellants

Versus

Lalit Mohan Bhatt and others Respondents

Present:-

Mr. Pradeep Chamiyal, Advocate for the appellants.
Mr. V.D. Bisen, Additional C.S.C. for the State/respondent
nos. 2 and 3.

Hon'ble Ravindra Maithani, J. (Oral)

Instant appeal is preferred against the award dated 12.02.2013, passed in Motor Accident Claim Petition No. 176 of 2010, Vinod Kumar and another Vs. Lalit Mohan Bhatt and others, by the Motor Accident Claims Tribunal/3rd Additional District Judge, Kashipur, Haridwar. By it, while allowing the claim petition filed under Sections 163 A and 167 of the Motor Vehicles Act, 1988 by the appellants, total Rs.4,91,000/- compensation was awarded to them alongwith interest.

2. Heard learned counsel for the parties and perused the record.

3. The appellants seek enhancement of the compensation awarded to them. The claim petition proceeded *ex parte* against the respondents.

4. It may be noted that the respondent no.1, the driver of the vehicle died and legal heir was substituted and served. But,

none appeared for the respondent no.1/1. State represents respondent nos. 2 and 3.

5. The Tribunal framed four issues and after recording finding on each one of them directed the respondents to pay compensation of Rs.4,91,000/- to the appellants. On a very short question, appeal has been filed.

6. Learned counsel for the appellants submits that the deceased Manjeet Kumar was a Constable in Police. His salary in the month of March, 2010 was Rs.120,54/-. The claimants have filed OnLine pay slip, which was taken out from the core treasury system, but it was not relied on by the Tribunal on the ground that it has not been proved.

7. Learned State counsel admits that the deceased was a Police Constable, and he was getting gross salary of Rs. 12,054/-.

8. These are cases of summary nature. It is a beneficial legislature. The appellants have lost their young son, who was 23 years of age, working as Police Constable. The best they would have done is by producing pay slip. The pay slip was downloaded by the appellants from core treasury system and filed it in their evidence, which reveals that the salary of the deceased in the month of March, 2010 was Rs.12,054/-. If it is not the salary of the deceased, the respondents were free to file the actual pay slip revealing as to what was the salary of the deceased. Therefore, this Court is of the view that the Tribunal has committed an error in not accepting the payslip submitted by the appellants in support of the monthly income of the deceased Manjeet Kumar.

9. This Court hold that the income of the deceased Manjeet Kumar was Rs.12,054/- per month at the time of the accident. Accordingly, he is entitled to get compensation as follows:-

S.No.	Particulars	Amount
1.	Income of deceased	Rs.12,054/- (Notional)
2.	The deceased was bachelor, therefore, 1/2 deduction towards personal expenses.	Rs.12,054/- ÷ 2 = Rs.6,027/-
3.	Towards future prospects 50%,	Rs.6027/-+ 30,13.5/- = Rs.9,040.5/-
4.	Annual Income	Rs. 9,040.5/- x 12 = Rs.1,08486/-
5.	Multiplier of 18, as deceased was aged less than 25 years	Rs.1,08486/- x 18 = Rs.19,52,748/- (A)
6.	Towards loss of consortium	Rs.40,000/- x 2 = 80,000 (B)
7.	Funeral expenses	Rs.15,000/- (C)
8.	Loss of estate	Rs.15,000/- (D)
	Total (A+B+C+D)	Rs.20,62,748/-
	(Rs. Twenty Lacs, Sixty Two Thousands, Seven Hundred Forty Eight Only)	

10. Thus, in view of the calculation as above, the respondents/claimants are entitled to get the compensation of Rs. 20,62,748/-. The appellants shall also be entitled to get interest @ 9% per annum from the date of filing of the appeal till actual

payment. The appellants shall be entitled to get equal share in the compensation.

11. The appeal is partly allowed.

12. The impugned judgment and order dated 12.02.2023, passed by the Tribunal is modified to the extent as indicated above.

(Ravindra Maithani, J.)
10.07.2026

Jitendra