IN THE HIGH COURT OF JHARKHAND AT RANCHI
M.A. No. 351 of 2016

1. Rabia Khatoon, wife of Md. Kamruddin (mother);
2. Md. Kamruddin, son of Md. Rajaque (father); Both are resident of Village Telodih, P.O.- Handadih, P.S. P.S. Giridih (M), District - Giridih.

…. … Claimants / Appellants

Versus

1. IFFCO TOKIO, General Finance Company Limited, registered office- IFFCO TOKIO, Sadar C, District Centre Saket New Delhi 110017, Branch Manager at- IFFCO TOKIO, General Insurance Company Limited, 4th Floor, Matkurya, Katras Road, Dhanbad (Jharkhand) 820011 and is represented by Kolkata office Expressed Tower 42 A, Shakespears Sarni Flat No-38, 3rd Floor, Kolkata- 700017 (The insurer of offending tempo No- JH-11H/7835).
2. Md. Azad, son of Md. Suleman, resident of village Telodih, Tola Nizamnagar, P.O.- Handadih, P.S. Giridih(M), District - Giridih (Jharkhand).
3. Md. Mustakin, son of Md. Khalil, resident of village Telodih, P.O.- Handadih, P.S. Giridih (M), District Giridih (Jharkhand). (driver of offending tempo JH-11H/7835).

….. ….. Respondents.

CORAM : HON'BLE THE CHIEF JUSTICE

For the Appellants : Mr Vijay Kumar Roy, Advocate
For the Resp. No.1 : Mr Ashutosh Anand, Advocate

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17 /Dated: 11.04.2026

1. Heard Mr Vijay Kumar Roy, learned counsel for the appellants-claimants and Mr Ashutosh Anand, learned counsel for the 1st respondent-Insurance Company.

2. This appeal is directed against the impugned Judgment and Award dated 20.04.2015 in M.V. Claim Case No. 87 of 2012 seeking enhancement of compensation.

3. Mr Vijay Kumar Roy, learned counsel for the appellants, argued that compensation in this case has not been determined in accordance with law and the same does not appear to be "just compensation".

4. On the other hand, Mr Ashutosh Anand, learned counsel for the respondent-Insurance Company, submitted that there was no evidence produced about the income of the deceased and accordingly, there is

nothing wrong in the compensation amount as determined. Besides, he submitted that the interest awarded is also excessive and should not have been awarded in this case. Without prejudice, he submitted that the respondent-Insurance Company had already paid the awarded amount and this is also a circumstance for reducing the interest rate.

5. Upon hearing learned counsel for the parties and perusing the impugned award and the record, I am satisfied that a case for enhancement has been made out.

6. The Tribunal has taken the income of the deceased as Rs. 3000/- per month even though the witnesses on behalf of the claimants had deposed that he was earning Rs. 6000/- per month as a *Rajmistri*.

7. The Minimum Wages Notification suggests that a skilled worker like a *Rajmistri*, who draws minimum wages of Rs. 180 per day, would have a monthly income of Rs. 4837.60. Accordingly, I am satisfied that the income of the deceased should have been taken at Rs. 4837/- per month.

8. To the above amount, an addition of 50% towards future prospects was necessary. Further, since the deceased was a bachelor, a deduction of 50% is warranted towards the amount that he would have spent on himself. The multiplier in this case would be 18 since the age of the deceased was 18 years. Thus, compensation towards dependency would come to Rs. 7,31,445/-. The claimants are entitled to Rs. 15,000/- towards funeral expenses and another Rs. 15,000/- towards loss of estate.

9. The claimants are also entitled to compensation of Rs. 40,000/-each towards consortium. Thus, an amount of Rs. 80,000/- has to be added towards loss of consortium.

10. The total compensation would, therefore, have to be determined at Rs. 8,41,445/-.

11. The above determination is in terms of the decisions of the Hon'ble Supreme Court in the cases of ***Sarla Verma v. DTC*****, (2009) 6 SCC 121**, ***National Insurance Co. Ltd. v. Pranay Sethi*****, (2017) 16 SCC 680** and ***Magma General Insurance Co. Ltd. v. Nanu Ram @ Chuhru Ram*****, (2018) 18 SCC 130**.

12. Accordingly, this appeal is allowed, and the compensation amount is enhanced from Rs. 3,41,000/- to Rs. 8,41,445/-. The same shall carry interest at the rate of 9% per annum from the date of filing of the case till its realisation.

13. The respondent-Insurance Company must deposit the entire compensation amount, along with interest, after adjusting the amounts already paid or deposited, within six weeks in this Court, after giving due intimation to the learned counsel for the appellants. Upon deposit, the appellants shall be entitled to withdraw the deposited amount after furnishing their identities and bank details. The Registry must transfer the amounts into the appellants' bank account. Under no circumstances should any amount be paid or transferred other than through regular banking channels.

1. The appeal is allowed in the above terms. No costs.

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

September 11, 2026
Ranjeet / R.Kr.
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