IN THE HIGH COURT OF JHARKHAND AT RANCHI

M.A. No. 403 of 2016

1. Muslim Ansari, son of Late Nabi Mian (father of the deceased).
2. Muneza Khatoon, wife of Muslim Ansari (mother of the deceased).
Both are resident of Village- Taranakho, P.O.- Taranakho, P.S.- Dhanwar, District- Giridih.

…. … Claimants / Appellants

Versus

1. Devendar Singh, son of Anand Kumar, resident of 42A/13 Near Laxmi Narayan Mandir, Dilshad Garden, Delhi-95, At present 14G, Mathura Road, P.O., P.S. & District- Faridabad (Hariyana), Proprietor of M/s Purwanchal Frieght of Carrier. (Owner of Truck bearing Registration No- HR-38C-4951).
2. Bhanu Singh, son of Prabhu Dayal, resident of village Berue Sabalpur, P.O. Prempur, P.S. Chibra Mana, District- Kanauj (Uttar Pradesh).
3. The Reliance General Insurance Company Limited, Dhiru Bhai Ambani Group, Registered Office- Reliance General Insurance Company Limited, Registered Office At 1st Block, 1st Floor, Dhirubhai Ambani, Knowledge Navi Mumbai 400710, Maharastra and insured the aforesaid vehicle at Delhi on dated 08.01.2008 vide Policy No- 200700876537 through Mohit Jain Branch Code No-307909 at Branch of the said Insurance Company and presently represented by its local Branch, The Reliance General Insurance Company Limited, 3rd Floor Chandrakali Bhawan, AM-5 City Centre, Bokaro Steel P.S.- City Centre, P.O.- Bokaro, Bokaro Steel City-827001 (Jharkhand). (Insurer of Truck No- HR-38C/4951).

…. …. Respondents

CORAM : HON'BLE THE CHIEF JUSTICE

For the Appellants : Mr Vijay Kumar Roy, Advocate
For the Resp. No.3 : Ms Swati Shalini, Advocate
Mr Kanishka Deo, Advocate

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15 /Dated: 18.09.2026

1. Heard Mr Vijay Kumar Roy, learned counsel for the appellants-claimants and Ms Swati Shalini, learned counsel for the 3rd respondent-Insurance Company. The 1st and 2nd respondents have been served but have not bothered to appear in this appeal.

2. This appeal by the claimants is directed against the Judgment and Award dated 7th May 2016 in M.V. Claim Case No. 28 of 2012 passed by the Motor Accidents Claim Tribunal, Giridih, awarding compensation of Rs.

5,91,000 with 9% interest from the date of institution of the claim petition till the date of realization of the compensation amount.

3. Mr Vijay Kumar Roy, the learned counsel for the appellants, submitted that all the witnesses had deposed that the deceased, a 19-year-old son of the claimants, was a *Rajmistry* earning Rs. 6,000 per month. He submitted that, by ignoring this evidence, the Tribunal determined his monthly income at only Rs. 4,000 per month, and such determination warrants interference.

4. Mr. Vijay Kumar Roy further submitted that no enhancement has been made towards future prospects and even the compensation towards funeral expenses, loss of estate and loss of consortium is not in accordance with the law in ***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**.

5. Accordingly, Mr. Vijay Kumar Roy submits that the compensation amount is liable to be enhanced.

6. Ms Swati Shalini, the learned counsel for the Insurance Company submitted that the claimants have not examined the employer or produced any documentary evidence regarding income. She submitted that the evidence of the claimants themselves or some near relatives on income cannot be accepted at face value. She submitted that the Tribunal, after considering the minimum wage notification at the relevant period, i.e. in 2008 and the lack of employer's evidence or any other documentary evidence, has determined the deceased's monthly income at Rs. 4,000/-, which requires no interference in this appeal.

7. Ms Swati Shalini also submitted that an award of interest at 9% per annum is excessive and warrants scaling down.

8. The rival contentions now fall for my determination.

9. The first point to be determined is the deceased's monthly income.

10. The deceased was 19 years old at the time of his demise and was stated to be working as a *Rajmistry*. Although four witnesses, including the two claimants, deposed that he earned Rs. 6,000/- per month, the employer has not been examined. Neither is any register of employment nor any documents proving the salary produced on record.

11. The Tribunal, considering the notification on minimum wages prevalent in 2008, coupled with the fact that the employer was not examined and no documentary evidence was produced, determined the deceased's monthly income at Rs. 4,000. In my judgment, such determination is legal, proper, and reasonable given the evidence on record, or lack thereof.

12. Mr. Vijay Kumar Roy referred to this Court's judgment and order dated 11.09.2026 in M.A. No. 351 of 2016 (Rabia Khatoon Vs. IFFCO TOKIO, General Finance Company Limited & Ors.). He pointed out that in this case, the income of the deceased, who was also working as a *Rajmistry*, was taken at Rs. 4837/- per month after referring to the minimum wage notification.

13. As Ms Swati Shalini pointed out, in Rabia Khatoon (*supra*), the accident occurred in 2012, whereas in the present case, the accident occurred in 2008. This appears to be a valid point to distinguish Rabia Khatoon (*supra*).

14. Upon cumulative consideration of the evidence on record and the minimum wage notification prevalent in 2008, there is no case made out to

disturb the determination made by the Tribunal about the deceased earning Rs. 4,000 per month at the time he unfortunately expired in the vehicular accident. Thus, his yearly income was Rs. 48,000/- per annum.

15. The Tribunal deducted 1/4 of the deceased's annual income on the premise that the deceased was survived by two claimants. However, the evidence on record shows that the deceased was a bachelor; therefore, following ***Sarla Verma*** (*supra*), the deduction should have been 50%.

16. The Tribunal applied the multiplier of 16 when, in fact, applying the law in the case of ***Sarla Verma*** (*supra*), the multiplier should have been 18 since the deceased was 19 years old at the time of his demise in the vehicular accident.

17. The Tribunal has also failed to consider an addition of 40% towards future prospects.

18. Considering the above aspects, the compensation towards dependency is determined at Rs. 6,04,800/-. To this amount, Rs. 15,000/- will be added towards funeral expenses and another Rs. 15,000/- towards loss of estate.

19. The claimants will also be entitled to compensation towards loss of consortium at a rate of Rs. 40,000/- each, that is, a total of Rs. 80,000/. This is consistent with the law laid down in ***Magma General Insurance Co. Ltd*** (*supra*).

20. Thus, the total compensation would, therefore, have to be determined at Rs. 7,14,800/-.

21. Since the accident was in the year 2008, there is no reason to disturb the discretion exercised by the Tribunal in awarding interest at the rate of

9% per annum from the date of the claim petition till the realisation of the compensation amount.

22. Accordingly, the 3rd respondent i.e. the Insurance Company, is directed to deposit the enhanced component together with interest in this Court within eight weeks from today after giving due intimation to the claimants.

23. Accordingly, the 3rd respondent, i.e. the Insurance Company, is directed to deposit the enhanced component together with interest in this Court within eight weeks from today after giving due intimation to the learned counsel for the appellants. The 3rd respondent (Insurance Company) will be entitled to deduct the compensation amount already paid and deposit the enhanced component together with interest.

24. Upon deposit, the appellants will be entitled to withdraw the deposited amount by furnishing identity and bank details to the Registry. The Registry should transfer the deposited amount into the bank account of the appellants expeditiously. Under no circumstances should any amount be paid otherwise than through regular banking channels.

25. The 3rd respondent (Insurance Company) retains the right to recover the compensation amount from the owner of the insured vehicle since this aspect was not challenged in this appeal.

26. The appeal is partly allowed without any order for costs.

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

September 18, 2026
Ranjeet / R.Kr.
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