

Shanti Bai And Ors. vs Charan Singh And Ors. on 7 April, 1998

Equivalent citations: II(1998)ACC488, 1998ACJ848, AIR1999SC845, JT1998(6)SC81, (1998)120PLR306, RLW1999(1)SC90, (1998)5SCC359, AIR 1999 SUPREME COURT 845, 1998 (5) SCC 359, 1998 AIR SCW 3933, 1998 (120) PUN LR 306, (1999) 1 CIVILCOURTC 229, (1998) 120 PUN LR 584, (1999) 1 LANDLR 400, (1999) 1 ICC 599, (1998) 6 JT 81 (SC), (1998) 3 PUN LR 306, 1999 SCC(CRI) 166, (1998) 2 RENTLR 251, 1998 HRR 457, 1998 (2) ALL CJ 1230, 1998 (6) JT 81, (1998) 2 GUJ LH 763, (1999) 1 RAJ LW 90, (1999) 1 TAC 22, (1998) 4 ICC 666, (1998) 2 ACC 488, (1998) 2 ACJ 848, (1998) 3 ALL WC 2363, (1998) 4 RECCIVR 383

Bench: S.B. Majmudar, A.P. Misra

ORDER

1. Leave granted.
2. We have heard learned counsel for the appellant as well as learned counsel for the Insurance Company who has remained present to oppose these proceedings. Other respondents are served. They have not chosen to contest these proceedings.
3. An unfortunate accident took place where the appellant's eldest son, aged about 18 years was run over by the offending truck insured by the respondent-Insurance Company on 17-4-1991. In the claim petition a large amount was claimed by way of compensation amounting to Rs. 10 lakhs which prima facie appeared to be unreasonable. The Tribunal after recording evidence awarded Rs. 40,000, The High Court dismissed the first appeal. In our view, as the victim was aged 18 years and belonged to a labour class and even his younger brother was doing labour work and getting Rs. 10 per day, it is obvious that the deceased, had he survived, would have earned a substantial amount per month for the benefit of the family as the appellants are his destitute mother and her minor children. In our view, total compensation of Rs. 40,000 is too meagre. Even taking a reasonable view of the amount which the deceased would have earned, had he survived, considering the future economic prospects of the deceased we deem it fit to increase the award to a lump sum amount of Rs. 1,50,000. Meaning thereby, the appellant will be entitled to an additional amount of Rs. 1,10,000 as Rs. 40,000 have already been awarded by the Tribunal. This additional amount of Rs. 1,10,000 shall be deposited by the respondent-Insurance Company with 12% interest from the date of the claim petition till actual deposit. The said deposit shall be made within eight weeks from the date of the receipt of the copy of this order by the Insurance Company at its end. Office of this Court shall forthwith send the said copy to the respondent-Insurance Company for due compliance.
4. The additional deposited amount subject to investment as indicated hereinafter will be permitted by the Tribunal to be withdrawn by the appellants on due identification. As Appellants 2 and 3 are

the younger brothers of the deceased, in our view, out of the amount of Rs. 1,10,000 with interest to be deposited by the respondent-Insurance Company 50% of the total deposited amount should be invested by the Tribunal in a fixed deposit of a nationalised bank for a period of five years in the name of Appellants 2 and 3. In the meantime, accrued interest will be released for the benefit of Appellants 2 and 3 in favour of Appellant 1, their mother. After five years, the invested amount with interest accrued, if any, shall be paid over to the claimants.

5. Appeal is allowed to the aforesaid extent. No costs.