

Supreme Court of India

Tasnimtaj And Ors. vs Managing Director, Ksrtc And Anr. on 16 January, 1998

Equivalent citations: 1999 ACJ 192, AIR 1998 SC 3036, 1999 (1) BLJR 103, JT 1998 (4) SC 315, (1998) 3 SCC 145

Bench: S Majmudar, S Kurdukar

ORDER

1. Leave granted. With the consent of learned counsel for the parties the appeal is heard finally and is being disposed of by this order.

2. It is a claimants' appeal. Their breadwinner died in a motor accident in 1985. He was aged 39 years and had bright prospects in life as he was working as a liaison officer and tour agent and used to accompany foreign tourists in Bangalore and roundabout places. He had a lucrative future career which was cut short by the accident. The claim for compensation was adjudicated by the Tribunal and an amount of Rs 1,86,800 was granted by way of compensation. In appeal by the claimants the High Court enhanced the amount to Rs 2,11,200 but reduced the interest from 9% on the awarded amount to 6% from the date of application. That is how the claimants are before us in this appeal.

3. In our view, looking to the facts and circumstances of the case and the future prospects available to the deceased had he not died prematurely in the accident and the economic prospects which were available to him and his family and dependants had he not died, the award of compensation of Rs 2,11,200 by the High Court deserves to be enhanced to a lump sum figure of Rs 3 lakhs which will take care of proper multiplier and multiplicand, also the future economic prospects of the deceased had he survived.

4. Learned counsel for the appellant is right when she contended that there was no reason for the High Court to abruptly reduce the interest from 9% to 6% only because the High Court was enhancing the compensation amount. However, in our view, once interest of 6% is granted on the awarded amount, for the enhanced amount of Rs 88,800 pursuant to our order also there should be 6% interest from the date of the application till payment of additional amount of Rs 88,800 by the respondents. The appeal is partly allowed to that extent with the net result that the appellants will be entitled to claim total compensation of Rs 3 lakhs in all with 6% interest from the date of the claim petition till payment. The award will stand modified accordingly. No costs.

5. The respondent shall deposit in the Tribunal the amount of compensation or any balance thereof, if any amount is already deposited earlier, within three months from today. The appellant will be entitled to withdraw the same from the Tribunal on due identification. The directions of the Tribunal regarding the investment of the amounts in fixed deposit will now proportionately apply for the entire amount of Rs 3 lakhs.