

Jamnabai and Others

Vs

Deeak Automobiles and Others

Civil Appeal No. 7861 of 1997

(S. B. Majmudar, K. Venkataswami JJ)

21.11.1997

ORDER

1. Leave granted. By consent of learned counsel for the parties the appeal is heard finally.
2. The short question is whether the claimants are entitled to enhanced damages as compared to Rs 33,000 granted by the High Court for the death of the son of Appellants 1 and 2 and brother of the remaining appellants. The High Court has passed the aforesaid award in motor accident claim on the ground that the deceased at the age of 20 must be earning about Rs 200 per month. The contention of the appellants was that he was gainfully employed at the relevant time with Shrikrishna Vijay Sawmill, Aurangabad drawing Rs 700 per month. But even leaving aside that tall claim, in our view, the deceased must be earning more than Rs 200 per month and, therefore, this is a case for marginal enhancement of the compensation on the ground of future economic loss suffered by the claimants on account of snatching away of the breadwinner by the motor accident. Considering the relevant facts of the case, we deem it fit to enhance the compensation on the aforesaid ground by Rs 17,000 more, thus making the total award of compensation to be Rs 50,000. That would also fall in the permissible liability of Respondent 3, Insurance Company.
3. We, therefore, enhance the total compensation to Rs 50,000 in all. We are told that the awarded amount of Rs 33,000 has been paid by the Insurance Company to the appellant. Therefore, Respondent 3, Insurance Company, shall now pay an additional amount of Rs 17,000 to the claimants. Respondent 3 shall deposit the aforesaid amount of Rs 17,000 in the Motor Accident Claims Tribunal, Aurangabad in Motor Accident Claim No. 11 of 1983 within a period of six weeks from today. The said amount shall be permitted to be withdrawn by the claimants in full and final satisfaction of the claimants in these proceedings, on due verification of the claimants.
4. The appeal is allowed to the aforesaid extent. No costs.