

**OF JAMMU AND KASHMIR AT JAMMU**

**CIMA No. 115/2008**

**Date of Decision: 30.12.2008**

***National Insurance Co. Ltd. v. Mohd. Zakir & Ors.***

**CORAM:**

***MR. JUSTICE J. P. SINGH, JUDGE.***

**Appearing counsel:**

For Appellant(s) : Mr. D.S.Chauhan, Advocate.

For Respondent(s) : Mr. Vishnu Gupta, Advocate.

i) Whether to be reported  
in Press/Journal/Media: Yes/No

ii) Whether to be reported  
in Digest/Journal : Yes/No

National Insurance Company Limited has filed this appeal questioning Motor Accidents Claims Tribunal, Jammu's award of February 28, 2008 whereby appellant-Insurance Company has been directed to pay an amount of Rs.5,47,000/- to the respondents-claimants as compensation for the death of Mohd. Rafiq who had died because of the injuries received by him when while waiting for a matador near Balvinder Chowk, Jammu, Truck bearing registration no. JK02Q-9867 driven rashly and negligently by Kaka Ram had struck him.

Questioning quantum of compensation awarded by the Tribunal, appellant's learned counsel, Mr. Chauhan, submitted that the Tribunal had erred in selecting 15 as the multiplier which in the facts and circumstances of the case was required to be reduced to arrive at just amount of compensation payable to the claimants for the death of Mohd. Rafiq.

Shri Gupta appearing for the claimants, on the other hand, submitted that the compensation awarded to the claimants was just and proper, in the facts and circumstances of the case, because the claimants had been deprived of their sustenance which was dependent wholly on the income of the deceased which he would earn by working as a carpenter @ Rs.250/- per day.

I have considered the submissions of learned counsel for the parties.

Multiplier prescribed for the age group of persons above 20 years but not exceeding 25 years, like the widow of the deceased, in the Second Schedule issued under Section 163-A of the Motor Vehicles Act, is 17.

Keeping in view the facts and circumstances of the case, the Tribunal had considered it just and proper to adopt 15 as the appropriate multiplier to determine the multiplicand.

I do not find any error in the assessment of compensation made by the Tribunal, in that, the amount awarded to the widow and other claimants, would yield near about the same amount by way of interest, if kept in a fixed deposit, which they had been getting from the earnings of the deceased for their sustenance.

In order to award just compensation to the claimants, all that is required to be considered by a Court or Tribunal awarding compensation is that the compensation so awarded should not be a bonanza but an amount which would recompense the dependents in enabling them to enjoy all those benefits which they would have so enjoyed had the deceased survived.

Now the facts and circumstances of the case and the evidence which the claimants had led in the case, I do not find any merit in appellant's counsel's submission that the Tribunal had erred in selecting appropriate multiplier and in assessing just compensation to be paid to the claimants for death of Mohd. Rafiq.

There is thus no merit in this appeal which is, accordingly, dismissed.

Registrar Judicial to release the amount deposited by the appellant-Insurance Company in this Court in favour of the claimants in terms of the award along with interest accrued thereon.

**(J.P.Singh)**  
**Judge**

**Jammu**  
**30.12.2008**  
*Pawan Chopra*