

12 27.9.2013

Heard learned counsel for the parties.

This appeal by the claimants-appellants is directed against the award dated 7.5.2007, passed by the learned 1st Motor Accident Claims Tribunal, Cuttack, in Misc.Case No.758 of 2004, awarding an amount of Rs.89,000/- as compensation along with interest @ 6% per annum, from the date of filing of the claim application, i.e., 20.01.2005, till realization.

The sole contention raised by the learned counsel for the claimants-appellants is that the deceased being admittedly an unmarried girl, the age of her parents, who are claimants 1 and 2, should have been taken as the basis for calculating the compensation amount payable. It is submitted that the learned Tribunal has erroneously taken the age of the deceased and her prospect of her marriage as the basis for calculating the compensation amount payable, which, according to the learned counsel for the appellants, is not permissible in law. It is accordingly submitted that as the deceased was unmarried at the time of her accidental death and keeping in view the average age of her parents, i.e. claimants-appellants 1 and 2, the multiplier of '15' should have been applied to calculate the loss of dependency. Accordingly, the claimants are prayed for enhancement of the compensation amount.

Learned counsel appearing for the Insurance Company-respondent no.2, while supporting the impugned award submits that as the deceased was a girl and there was every possibility and prospect of her

getting married between the age of 28 and 30, learned Tribunal has correctly applied the multiplier of '7', which would have been the period, of which the parents should have been dependent on her. Accordingly, learned counsel for respondent no.2 submits that the impugned award cannot be faulted.

Considering the submissions made by the learned counsel for the parties and keeping in view the findings of the learned Tribunal as given in the impugned award with regard to the quantum of compensation amount awarded and the basis on which the same has been arrived at, I feel, the interest of justice would be best served, if the claimants are awarded a further consolidated compensation amount of Rs.80,000/-, on which no interest is payable. The impugned award is modified to the said extent.

The Insurance Company is directed to deposit the further consolidated compensation amount of Rs.80,000/- with the learned Tribunal within six weeks hence, which shall be disbursed to the claimants on proper identification.

M.A.C.A. is accordingly disposed of.

MP

(S.C.PARIJA, J.)

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