2024 STPL(Web) 137 HP
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HIGH COURT OF HIMACHAL PRADESH
(HON'BLE MR. JUSTICE VIRENDER SINGH, J.)

SHRIRAM GENERAL INSURANCE COMPANY

Appellant

VERSUS

SMT. SHASHI & OTHERS

Respondents

FAO No. 386 of 2016-Decided on 08-04-2024
MACT: Future Prospects – Compensation enhanced
Compensation, MACT
Motor Vehicles Act, 1988 - Section 173 – MACT - Future Prospects - Multiplier, - Enhancement of Compensation - The High Court of Himachal Pradesh, in this appeal under Section 173 of the Motor Vehicles Act, 1988, considered the award passed by the Motor Accident Claims Tribunal-I, Kullu, and upheld the finding that the accident occurred due to rash and negligent driving of the respondent. The Court emphasized that while registration of FIR is not mandatory for claiming compensation, the evidence should probabilize the case based on the preponderance of probabilities. It reiterated the principles laid down by the Supreme Court regarding the determination of just compensation, emphasizing that the objective is to provide adequate relief to the victim's family.

The Court also noted that documentary proof of income is not always necessary, and the income can be assessed based on factors like the minimum wages prevailing at the time. The Court enhanced the compensation considering future prospects and the deceased's contribution to his family, applying relevant legal precedents.

(Para 41)

Advocate(s): For the Appellant: Mr. Jagdish Thakur, Advocate.
For the Respondents : Mr. Naveen K. Bhardwaj, Advocate, for respondent No. 1. Mr. Neel Kamal Sood, Senior Advocate, with Mr. Vasu Sood, Advocate, for respondents No. 2 and 3.

JUDGMENT

Virender Singh, J. :-Aggrieved from the award, dated 3.12.2015, passed by the Court of learned Motor Accident Claims Tribunal-I, Kullu, District Kullu, H.P. (hereinafter referred to as 'the Tribunal'), the Insurance Company has preferred the present appeal, under Section 173 of the Motor Vehicles Act (hereinafter referred to as 'the M.V. Act').

2. Vide award impugned herein, the learned Tribunal has allowed the MAC Petition No. 05 of 2012, titled as, 'Smt. Shashi versus Shri Mohammad Ali & others", and awarded a sum of Rs. 6,83,000/-, alongwith interest @ 9% per annum, from the date of filing of petition, till deposit of the awarded amount. However, the ultimate liability to pay the amount of compensation, alongwith interest, has been fastened upon the Insurance Company.

3. Parties to the lis, hereinafter, are, referred to, in the same manner, in which, they were referred to, by the learned Tribunal.

4. Brief facts, leading to filing of the present appeal, before this Court, may be summed up as under:

> Petitioner, Shashi has filed the claim petition, under Section 166 of the M.V. Act, seeking compensation, on account of death of her son, namely, Vicky, in a motor accident, involving vehicle Swaraj Mazda No. HP-66-2751 (hereinafter referred to as 'the offending vehicle'), being driven by respondent No. 2, owned by respondent No. 1 and insured with respondent No. 3.

4.1 According to the petitioner, on 9.11.2011, her son was coming from Bajaura side, in Maruti Car No. CH-01Y- 7554. When, he reached at Hat Bajaura, respondent No.2 was parking the offending vehicle on the road side, without taking proper care of the vehicles coming from backside, as a result of which, the offending vehicle hit the Maruti Car No. CH-01Y-7554. Consequently, deceased Vicky sustained grievous injuries, on his head and later on expired.

4.2 It is the further case of the petitioner that respondent No. 2 manipulated the criminal case wrongly, in order to save himself. According to her, the FIR was registered on wrong and incorrect facts. After the accident, Vicky was taken to the Regional Hospital, Kullu, where, he was declared 'dead'. His post-mortem was conducted. All these facts have been pleaded to show that the accident in question had taken place, due to rash and negligent driving of the offending vehicle, by respondent No. 2.

4.3 The petitioner has also pleaded about her bright past and bleak future by pleading that her son was aged about 24 years, at the time of his death, and was earning a sum of Rs. 10,000/- per month. It is her further case that her son was doing the business of selling potatos and shawls, by moving from one place to another.

4.4 It is her admitted case that FIR No. 224 of 2011, dated 9.11.2011, under Sections 279 and 337 IPC was registered against her son. She has termed the said FIR to be wrong. According to her, it was respondent No. 2, who was responsible for the accident in question.

4.5 On the basis of above facts, the petitioner has claimed compensation of Rs. 20,00,000/-, along with interest @ 18% per annum.

5. When, put to notice, the claim petition was contested by the respondents. Respondents No. 1 and 2 had filed the joint reply, by taking preliminary objections that the accident in question had not taken place, due to rash and negligent driving of respondent No. 2, rather, son of petitioner was driving the car in question in rash and negligent manner. As such, his vehicle, i.e. car No. CH- 01Y-7554, had dashed against with the stationary offending vehicle, owned by respondent No. 1 and being driven by respondent No. 2.

5.1 The petition is also stated to be non-maintainable; bad for non-joinder of necessary parties, as the owner of vehicle No. CH-01Y-7554 has not been impleaded as party.

5.2 On merits, contents of the claim petition have been denied for want of knowledge. However, registration of FIR No. 224 of 2011, dated 9.11.2011, has not been disputed.

5.3 The Insurance Company has filed its separate reply, by taking preliminary objections that the petition is not maintainable; petitioner has not approached this Court with clean hands; and the petition is bad for non-joinder of necessary parties, as owner of vehicle No. CH-01Y-7554 and Insurance Company of

vehicle No. CH-01Y-7554 have not been impleaded as party; and the vehicle was being driven in violation of terms and conditions of the Insurance Policy, as per the provisions of Motor Vehicle Act.

5.4 On merits, contents of the petition have been denied, for want of knowledge.

5.5 In addition to this, the stand, which has been taken by respondents No. 1 and 2, qua the fact that accident in question had taken place due to rash and negligent driving of the deceased himself, has also been accepted/endorsed by the Insurance Company. Thus, the respondents have prayed for dismissal of the claim petition.

6. Petitioner has filed rejoined to the reply(ies), filed by the respondents, denying preliminary objections, by reiterating the stand, as taken, in the claim petition.

7. From the pleadings of the parties, the learned Tribunal has framed the following issues, vide order dated 27.8.2012:

> i) Whether deceased Vicky had died in an accident on account of rash and negligent driving of respondent No. 2? OPP
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> ii) If issue No. 1 is proved in affirmative, to what amount of compensation the petitioner is entitled and from whom? OPP
>
> iii) Whether respondent No. 3, being indemnifier, is liable to pay the compensation ? OPR-1 and 2.
>
> iv) Whether the vehicle was being plied in breach of terms and conditions of the Insurance policy? OPR3
>
> v) Whether driver was not having valid and effective driving licence at the time of accident? OPR-3
>
> vi) Relief.

8. Thereafter, parties, to the lis, were directed to adduce evidence. After closure of the evidence and after hearing learned counsel for the parties, the learned Tribunal has allowed the petition, by putting the ultimate liability to pay the amount of compensation, upon the Insurance Company, as referred above.

9. These findings have been assailed by the Insurance Company, before this Court, mainly on the ground that the award passed by the learned Tribunal is against law and facts and the petitioner has made the FIR as basis for claiming the compensation and the same has been duly proved by RW-1 as Ext. RW1/H and final report Ext. PW1/A. Once, according to the appellant, the said document has been made basis to claim the compensation, then, the learned Tribunal is bound to look into the same.

10. The findings of the learned Tribunal have been assailed on the ground that the learned Tribunal has ignored the fact that it has been proved, in this case, that the accident in question had taken place, due to rash and negligent driving of deceased, himself, as this fact has duly been proved from the evidence of RWs 2 and 3.

11 . In addition to this, the Insurance Company appellant has also assailed the quantum of compensation, on the ground that the learned Tribunal has wrongly taken the income of the deceased as Rs. 6000/- per month, and the same is required to be taken as minimum wages of unskilled employee, which was

prevalent in the year 2011. However, the learned Tribunal has taken the minimum wages, which were prevalent in the year 2015.

12. Similarly, the multiplier, which has been applied by the learned Tribunal has also been assailed on the ground that the multiplier has to be determined, on the basis of the age of the petitioner, as, deceased was bachelor, at the time of his death.

13. On the basis of above facts, Mr. Jagdish Thakur, Advocate, appearing for the appellant, has prayed that the appeal may be allowed, by setting aside the impugned award.

14. Per contra, Mr. Naveen K. Bhardwaj, Advocate, appearing for the petitioner, has opposed the prayer, made in the appeal, on the ground that the learned Tribunal has considered the evidence adduced by the parties, in its right perspective, as per the object of M.V. Act, which is beneficial piece of legislation. Hence, a prayer has been made to enhance the amount of compensation.

15. Mr. Neel Kamal Sood, learned Senior Advocate, assisted by Mr. Ganesh Barowalia and Mr. Vasu Sood, Advocates, has also supported the award, passed by the learned Tribunal.

16. The proceedings under M.V. Act are summary in nature, where the liability of the tort feasor is to be fixed, on the basis of preponderance of probabilities. The registration of the FIR is not a sine qua non for claiming compensation. The FIR is the process to put the criminal machinery into motion.

17. While deciding the claim petition, if the petitioner is able to probabilize her case, on the touchstone of preponderance of probabilities, then, her stand is liable to be accepted. Since, strict rules of Evidence Act are not applicable to the proceedings, under the M.V. Act, as such, evidence, so adduced, by the parties, is to be seen in view of the fact that proceedings, under the M.V. Act, are sort of inquiry.

18. In order to decide the appeal, in an effective manner, it would be just and appropriate for this Court to discuss the oral, as well as, documentary evidence, adduced by the parties, before the learned Tribunal.

19. The petitioner has examined Akshit Chandel, Medical Officer, District Hospital, Kullu, as PW-1, who has proved the copy of post mortem report Ext. PW1/A.

20. Petitioner, Shashi has appeared in the witness box, as PW-2 and filed her affidavit, in examination-inchief, which is based upon the stand, as taken in the petition.

20.1 As per the cross-examination of the petitioner, deceased was her elder son, whereas, her younger son is stated to be aged about 16 years and her daughter is stated to be married. She has admitted that the accident in question had not taken place, in her presence.

21. PW-3 is Barkha, wife of Kehar Singh. She has deposed that on 9.11.2011, at about 9:00 p.m., she was standing near her home. She noticed the offending vehicle, being driven by its driver, to be coming from Bajaura side. The vehicle No. CH-01Y-7554 was moving behind the said vehicle. When, the offending vehicle reached near Crescent Moon Public School, then, driver of the offending vehicle, parked the said on the side of the road, and drove the same, in a rash and negligent manner, forward and backward, without noticing other vehicles, moving on the road. When, the vehicle was reversed, the same had hit the Maruti car No. CH-01Y-7554. Two persons were there in the car, who have sustained injuries. Lastly, she has stated that the accident in question had taken place, due to rash and negligent manner of the offending vehicle.

22. In the cross examination, she has deposed that the accident in question had taken place near her house. 4-5 other houses were stated to be there. Accident in question is stated to have taken place at about 9:00 p.m., on 9.11.2011. Rest of the suggestions, put to her, have been denied by her.

23. PW-4 is Dr. S.K. Parashar, Medical Officer, Kullu Valley Hospital, Shastri Nagar, District Kullu, H.P. He has deposed that on 9.11.2011, Vicky (deceased) was brought to the hospital, for treatment. He has proved MLC, Ext. PW4/A. The injured was referred to the PGIMER Chandigarh.

24. PW-5 Dharam Singh has also been examined by the petitioner. He was the person, who was travelling in CH-01Y-7554, with the son of the petitioner. According to him, on 9.11.2021, he along with Vicky (deceased) was going to their house. The offending vehicle was moving ahead of the car, in which, they were travelling. When, the offending vehicle reached near Crescent Moon Public School, then, the driver of the offending vehicle, parked the same on the side of the road and moved the offending vehicle, in a rash and negligent manner, and without noticing the other vehicles, moving on the road, and reversed the same, as a result of which, the offending vehicle hit the Maruti car. Both the occupants of the car sustained grievous injuries and its driver became unconscious. This witness has boarded the car bearing No. CH-01Y-7554 from Bajaura chowk. He has further stated that speed of the vehicle was slow. The offending vehicle was moving 20 paces, ahead to their car. This witness has also filed the claim petition.

25. PW-6 ASI Bani Ram proved the photographs of the spot as Ext. PW/6A-1 to PW6/A-6. This witness has investigated the matter and, in the investigation, it was found that the accident in question had taken place, due to rash and negligent driving of deceased Vicky. He has further admitted that as per spot map, there were two houses near the spot. Lastly, he has deposed that in the investigation, it was found that house of one Barkha was near the spot. He has also admitted that in the investigation, owner of the vehicle, as well as, mother of the deceased, had not produced the driving license of the deceased. He has deposed that as per investigation, the accident in question had taken place due to rash and negligent driving of deceased Vicky. Lastly, he has deposed that he has visited the spot, next day, as, after the accident, HC Jitender had gone to the spot.

26. To rebut this evidence, respondents have examined RW-1 Chhewang Dorje, who has proved copy of final report, Ext. RW1/A, statement of Rafee Ext. RW1/B, statement of Rasheed Mohammad, Ext. RW1/C, statement of Yusuf, Ext. RW1/D, and statement of Surveer, Ext. RW1/E, copy of fard Ext. RW1/F, statement of Shashi, Ext. RW1/G, copy of FIR Ext. RW1/H, copy of order Ext. RW1/J. This witness had not investigated the case, as such, according to him, he is not having the personal knowledge, about the case.

27. RW-2 is Soorveer, owner of vehicle No. CH-01Y- 7554. On 10.11.2011, he has handed over the RC and other documents to the Police, which were taken into possession, vide memo RW1/F. In the cross-examination, this witness has deposed that he has not seen the driving license of Vicky Bodh. He has further admitted that Vicky (deceased) also used to drive the school bus.

28. RW-3 is Sharif Mohd. He has deposed that on 9.11.2011, after driving the vehicle in question, he had gone to his house. When, he reached at the door of his house, he heard some noise and then, he had seen that vehicle No. CH-01Y-7554, driven by deceased Vicky, had dashed against the stationary Tipper (offending vehicle). According to him, the accident in question had taken place due to rash and negligent driving of Vicky. He has informed the Police, upon which, FIR Ext. RW1/H was registered.

29. In the cross-examination by Insurance Company, this witness has admitted that when, he had heard the noise, his vehicle was parked on the road. No case is stated to have been registered against him. This is the entire evidence, adduced by the parties.

30. Copy of FIR is on the file, as Ext. RW1/H. The same was lodged, on the statement of Sharif Mohammad, S/o Noor Jamal, who is driver of the offending vehicle. The accident in question had taken place at 9:00 p.m on 9.11.2011, whereas, as per Ext. RW1/H, the information was received in the Police Station at 22:30 hrs(10:30 p.m.). The FIR has not been recorded by the Police. The statement under Section 154 Cr. P.C., upon which, the FIR has been registered, was not recorded, on oath. As such, no much reliance can be placed upon the contents of the FIR.

31. As per the evidence adduced on the file, after the accident, Vicky was firstly taken to Kullu Valley Hospital, Shastri Nagar, District Kullu, from where, he was referred to PGIMER, Chandigarh, where he remained admit for 8 days and expired on 17.11.2011. His post mortem examination was conducted, on 18.11.2011.

32. The factum of accident, as well as, death of Vicky has not been disputed by the respondents, in this case. However, it is the defence of the respondents that accident in question had taken place, due to rash and negligent driving of deceased Vicky, himself.

33. In order to claim compensation, under the M.V. Act, registration of the FIR is not sine qua non, as it has already been held by this Court, in the earlier part of the judgment that statement under Section 154 Cr. P.C., has not been recorded, on oath. As such, much reliance cannot be placed on the said fact that the FIR was lodged, against the deceased. The FIR in question was lodged by respondent No. 2, against whom, the petitioner has claimed that the accident in question had been caused by him, due to his rash and negligent driving.

34. Moreover, it cannot be expected from the petitioner of the person, whose son has sustained fatal injuries, in the accident, to rush to the Police Station, to lodge the case, as her first preference was to save her son, as according to the evidence, adduced on the file, deceased Vicky was firstly taken to Kullu Valley Hospital, Shastri Nagar, District Kullu, and thereafter, to PGIMER, Chandigarh, where ultimately, he had expired.

35. The petitioner has examined Barkha, as eye witness to the accident in question and despite the efforts made by learned counsel for the respondents, nothing material could be elicited from her. Thus, it can be said that she has not witnessed the accident. She has categorically stated, on oath, that the accident in question had taken place, due to rash and negligent driving of the offending vehicle.

36. Not only this, the person, who was with deceased Vicky in car bearing No. CH-01Y-7554 has been examined by the petitioner as PW-5. PW-5 Dharam Singh has also levelled the specific allegations of rash and negligent driving, against respondent No. 2, on oath.

37. This Court is in full agreement with the findings of the learned Tribunal, qua the fact that the accident in question had taken place due to rash and negligent driving of respondent No. 2. These findings do not require any interference, by this Court.

38. Once, it has been held that the accident in question had taken place due to rash and negligent driving of respondent No. 2, thus, the petitioner is held entitled for the compensation, on account of death of her son.

39. The learned Tribunal has taken the income of the deceased as Rs. 6000/- per month. These findings have been assailed by learned counsel appearing for the Insurance Company, in this case, on the ground that no documentary evidence has been led by the petitioner to prove/probabilize the fact that deceased Vicky was earning a sum of Rs. 10,000/- per month.

40. The petitioner, when, appeared in the witness box, has also deposed that her son was earning a sum of Rs. 10,000/- per month. A suggestion was given to this witness that her son was not earning this much amount, as deposed by her. Admittedly, no documentary evidence, qua the earning of deceased, has been produced by the petitioner. In such situation, question, which arises for determination, before this Court, is about the fact that whether the income of the deceased, is to be taken as Rs. 6000/- per month, as held by the learned Tribunal, or the same is liable to be assessed, on the basis of minimum wages Act, prevailing at that time.

41. While determining the question of compensation, this Court must be guided by the principles of M.V. Act. The true object of the M.V. Act has elaborately been discussed by the Hon'ble Supreme Court in Manusha Sreekumar & ors verus the United India Insurance Co. Ltd., reported in 2022 Live Law (SC) 858. Relevant paragraph-16 of the judgment is reproduced as under:

> "16. While determining compensation under the Act, section 168 of the Act makes it imperative to grant compensation that appears to be just. The Act being a social welfare legislation operates through economic conception in the form of compensation, which renders way to corrective justice. Compensation acts as a fulcrum to bring equality between the wrongdoer and the victim, whenever the equality gets disturbed by the wrongdoer's harm to the victim. It also endeavors to make good the human suffering to the extent possible and to also save families which have lost their breadwinners from being pushed to vagrancy. Adequate compensation is considered to be fair and equitable compensation. Courts shoulder the responsibility of deciding adequate compensation on a case-to-case basis. However, it is imperative for the courts to grant such compensation which has nexus to the actual loss."
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> (self emphasis supplied)

42. The plea of learned counsel appearing for the Insurance Company, qua the fact that in the absence of any documentary proof, the only basis, which can be adopted to ascertain the earnings of the deceased, is, Minimum Wages Act, is not liable to be accepted, as the Hon'ble Supreme Court in Manusha Sreekumar's case (supra) has held that amount of compensation should be assessed, in such a manner that should not detach from reality. Relevant paragraph-19 of the judgment is reproduced as under:

> "Applying the above parameters to the instant case, there exists sufficient evidence to show that the Deceased, undoubtedly, was a fish vendor-cum driver with a valid license. The certificate issued by the Kerala Motor Transport Workers Welfare Fund Board, certifying the Deceased as the driver of light motor goods vehicle bearing Registration No. KL-36- B-7822 under the ownership of one Shri Prakashan has been proved on record. Further, the Deceased had also paid all his subscriptions to the Board from April 2012 until the month he died. We find no reason to doubt that the Deceased was a driver at the time of his death. This Court in Chandra Alias Chanda Alias Chandraram and Anr. v. Mukesh Kumar Yadav and Ors., has aptly held that in the absence of a salary certificate, the minimum wages notification along with some amount of guesswork that is not completely detached from reality shall act as a yardstick to determine the income of the deceased. In this context, keeping in view the import of section 57 of the Indian Evidence Act, 1872, we take judicial notice of the provisions of the Kerala Fair Wages Act, especially section 2 thereof which defines the following expressions:-
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> "2. Definitions.- In this Act, unless the context otherwise requires,-
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> (a) "employer" means in relation to any motor transport undertaking, the person who or the authority which, has the ultimate control over the affairs of the motor transport

undertaking, and where the said affairs are entrusted to any other person whether called a manager, managing director, managing agent or by any other name, such other person ;

(b) “motor transport undertaking” means a motor transport undertaking including a private carrier engaged in carrying passengers or goods or both by road for hire or reward ;

(c) “motor transport worker” means a person who is employed in a motor transport undertaking directly or through an agency, whether for wages or not, to work in a professional capacity on a transport vehicle or to attend to duties in connection with the arrival, departure, loading or unloading of such transport vehicle and includes a driver, conductor, cleaner, station staff, line checking staff, booking clerk; cash clerk, depot clerk, time keeper, watchman, or attendant ;

(d) “fair wages” means the rate of wages payable to the motor transport workers specified in the Schedule to this Act or the agreed rate of wages whichever is higher.”

(self emphasis applied)

43. Husband of the petitioner and father of the deceased had already expired, when the accident in question had taken place. In such situation, the income taken by the learned Tribunal seems to be based on reality.

44. The Hon’ble Apex Court in Oriental Insurance Company Limited vs. Mohd. Nasir and another, (2009) 2 SCC (Cri.) 987 has held that the provisions of M.V. Act are beneficial piece of legislation and the endeavour of the Court should be to provide “just compensation”. The relevant paras 23 and 24 of the judgment are reproduced as under:-

“23. Both, the 1923 Act and 1988 Act are beneficent legislation insofar as they provide for payment of compensation to the workmen employed by the employers and/or by use of motor vehicle by the owner thereof and/or the insurer to the petitioners suffering permanent disability. The amount of compensation is to be determined in terms of the provisions of the respective Acts. Whereas in terms of the 1923 Act, the Commissioner who is a quasi judicial authority, is bound to apply the principles and the factors laid down in the Act for the purpose of determining the compensation, Section 168 of the 1988 Act enjoins the Tribunal to make an award determining the amount of compensation which appears to be just.

24. Both the Acts aim at providing for expeditious relief to the victims of accident. In these cases, the accidents took place by reason of use of motor vehicles. Both the statutes are beneficial ones for the workmen as also the third parties. The benefits thereof are available only to the persons specified under the Act besides under the Contract of Insurance. The statutes, therefore, deserve liberal construction. The legislative intent contained therein is required to be interpreted with a view to give effect thereto.”

(self emphasis supplied)

45. This view has again been reiterated by the Hon’ble Apex Court in Ranjana Prakash and others vs. Divisional Manager and another, (2011) 14 SCC 639. The relevant para 7 of the judgment is reproduced as under:-

> "7. This principle also flows from Order 41 Rule 33 of the Code of Civil Procedure which enables an appellate court to pass any order which ought to have been passed by the trial court and to make such further or other order as the case may require, even if the respondent had not filed any appeal or cross-objections. This power is entrusted to the appellate court to enable it to do complete justice between the parties. Order 41 Rule 33 of the Code can however be pressed into service to make the award more effective or maintain the award on other grounds or to make the other parties to litigation to share the benefits or the liability, but cannot be invoked to get a larger or higher relief. For example, where the claimants seeks compensation against the owner and the insurer of the vehicle and the Tribunal makes the award only against the owner, on an appeal by the owner challenging the quantum, the appellate court can make the insurer jointly and severally liable to pay the compensation, along with the owner, even though the claimants had not challenged the non grant of relief against the insurer. Be that as it may."

46. In view of the above legal proposition, this Court is of the view that just compensation has not been awarded to the petitioner.

47. In view of the law laid down by Hon'ble Supreme Court in National Insurance Company Limited vs. Pranay Sethi and others, (2017) 16 SCC 680, 40% of the amount is liable to be added in the income of deceased, on account of his future prospect, had he been alive. Thus, his total income comes to Rs. 8400/- per month.

48. Admittedly, in view of the decision of Hon'ble Supreme Court in Sarla Verma & Others versus Transport Corporation and Others (2009) 6 Supreme Court Cases, 121, 50% of the amount is liable to be deducted, out of the income of the deceased, towards his personal expenses, had he been alive. Thus, his contribution towards his family comes to Rs. 4200/- per month.

49. It is no longer res-integra that choice of the multiplier is to be applied, on the age of the deceased. Thus, multiplier of 18 is required to be applied, which has rightly been done by the learned Tribunal. Thus, the entitlement of the petitioner, for which the petitioner is held entitled, is assessed, as under:-

1. Loss of contribution = Rs. 4200 x12x18= 9,07,200/-

2. Loss of estate = Rs.15,000/-

3. Funeral expenses = Rs.15,000/-

4. Loss of consortium = Rs.40,000/-

Total= Rs.9,07,200 +15,000+15,000+ Rs.40,000 =Rs.9,77,200/-

50. In view of the above, the compensation awarded by the learned Tribunal is liable to be enhanced.

51. No other point has been urged or argued.

52. Accordingly, the present appeal is dismissed. The impugned award is modified by enhancing the awarded amount. The petitioner is held entitled for the amount of Rs. 9,77,200/-, along with interest @ 9 % per annum, from the date of filing of petition till the realization of amount. The award passed by the learned Tribunal is modified in the above terms.

53. Memo of costs be prepared.

54. Record be sent down.

55. The pending application(s), if any, are also disposed of.

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