Supreme Court of India
Malla Prakasarao vs Malla Janaki And Ors. on 6 August, 2002
Equivalent citations: I (2006) ACC 300, SCSuppl 2004 (4) CHN 114, (2004) 3 SCC 343
Bench: V Khare, S V.Patil, A Bhan
ORDER CA No. 1613 of 1996

1. It is not disputed that the driving licence of the driver of the vehicle had expired on 20-11-1982 and the driver did not apply for renewal within thirty days of the expiry of the said licence, as required under Section 11 of the Motor Vehicles Act, 1939. It is also not disputed that the driver of the vehicle did not have driving licence when the accident took place. According to the terms of the contract, the Insurance Company has no liability to pay any compensation where an accident takes place by a vehicle, driven by a driver without a driving licence. In that view of the matter, we do not find any merit in the appeal.

2. The appeal fails and is, accordingly, dismissed. There shall be no order as to costs.

CAs Nos. 4661-84 of 2002 @ SLPs (Civil) Nos. 1084, 6799-6815 of 1998 and 3263-68 of 1999

3. Leave granted.

4. We have heard counsel for the appellant.

5. On 2-11-1990, a stage carriage belonging to Haryana State Roadways Transport Corporation met in an accident with a tempo which was carrying passengers. As a result of the said accident, eight passengers travelling in the tempo died and several other passengers received injuries. Subsequently, the dependants of the deceased and the injured persons filed separate petitions for compensation before the Motor Accidents Claims Tribunal. The Tribunal (found that the aforesaid accident took place due to negligence of the driver of the vehicle owned by Haryana State Roadways Transport Corporation and, therefore, fastened the liability of compensation on the Corporation. The Tribunal awarded different amounts of compensation to different dependants of the deceased and the injured. Aggrieved, the State of Haryana and another preferred appeals before the High Court, but the same were dismissed. It is against the said judgment of the High Court, the appellants have come up to this Court.

6. Learned counsel urged that the appeals of the appellants were dismissed without considering the evidence on record and the same, therefore, deserve to be set aside. We do not find any merit in the contention. Admittedly, the appellants led no evidence before the Tribunal and, therefore, they cannot make any grievance that the evidence was not considered by the High Court. No other point was pressed.

7. The appeals are, accordingly, dismissed. There shall be no order as to costs.

CA No. 28 of 2000

8. The appellants herein are the wife and children of the deceased, who died in a motor accident. The deceased, a qualified doctor, was in government service. The appellants filed a claim petition before the Motor Accidents Claims Tribunal. The Tribunal awarded compensation to the extent of Rs. 2,03,850 and a sum of Rs. 86,000 on other heads. The claimants were not satisfied with the award of compensation, therefore, preferred an appeal before the High Court. The High Court found that the income of the deceased was Rs. 40,000 per annum and after deducting 1/3rd of the amount, total dependency was Rs. 27,000. The High Court by applying the multiplier of 14, enhanced the compensation to Rs. 3,78,000 from Rs. 2,03,850 along with interest at the rate of 12 per cent. The claimants, still not satisfied with the award of compensation, have come up in appeal.

9. Learned counsel appearing for the appellants urged that the multiplier applied by the High Court was erroneous and, in fact, the multiplier of 16 ought to have been applied in the present case. Learned counsel, in support of his argument, relied upon the decision of this Court in U.P. SRTC v. Trilok Chandra, . It is not disputed that the appellant was 38 years of age and was earning a sum of Rs. 40,000 annually. In view of the facts and circumstances of the case, we are of the view that the multiplier of 14 was correctly applied while awarding compensation. The decision relied upon by the learned counsel for the appellants is also of no assistance to his arguments. In the said decision in para 19, this Court found that the amount awarded by the High Court was excessive, however, on the facts and circumstances of that case, this Court did not interfere in the matter. In that view of the matter, we do not find any merit in the appeal, which, accordingly, fails and is dismissed. There shall be no order as to costs.

CA No. 4008 of 1988

10. It is not disputed that there was a limited liability of the Insurance Company. In that view of the matter, we do not find any merit in the appeal. It is, accordingly, dismissed. There shall be no order as to costs. CAs Nos. 7625-26 of 1997

11. After we heard the matter, we find that these appeals stand concluded by a decision of the Constitution Bench of this Court in the case of New India Assurance Co. Ltd. v. C.M. Jaya, . In that view of the matter, the appeals fail and are, accordingly, dismissed. There shall be no order as to costs. CA No. 2186 of 1993

12. In view of the fact that the amount involved is petty, we are not inclined to interfere in the matter. The appeal is dismissed. No costs.

CA No. 4685 of 2002 @ SLP (Civil) No. 13095 of 2000

13. Leave granted.

14. The appellants are the widow and children of the deceased E.V. Antony, who died in a motor vehicle accident. The appellants filed a claim petition before the Motor Accidents Claims Tribunal, claiming compensation. The Tribunal found that the deceased himself was negligent and, therefore, declined to grant any compensation to the claimants. Aggrieved, the appellants preferred an appeal

before the High Court. The High Court, after considering the matter, found that there was contributory negligence and, therefore, the appellants were entitled to a compensation of Rs. 1,85,600 with 12 per cent interest. The High Court arrived at the aforesaid figure of compensation by applying multiplier of 9. The appellants, not satisfied with the grant of compensation, have preferred this appeal.

15. We have perused the record and find that the multiplier of 9 applied by the High Court in determining the compensation to the claimants was not appropriate. It is not disputed that the deceased was a bank employee and was 46 years of age at the time of accident. It is also not disputed that after deduction of 1/3rd of the amount, total loss of dependency was Rs. 4000 per month. It is also not disputed that the age of superannuation of the deceased employee was 60 years and 14 years of service were still left to serve. In view of the facts and circumstances of this case, we are of the view that in the present case the multiplier of 12 ought to have been applied by the High Court. On application of multiplier of 12 the total amount of compensation comes to Rs. 5,76,000. The respondent Company has already deposited its share of compensation at the rate awarded by the High Court. Since the liability of the Insurance Company is 40 per cent of the enhanced amount, the respondent Company shall pay the balance amount along with the interest at the rate of 7 per cent on the enhanced amount from the date of this order.

16. With the aforesaid modification of the judgment under challenge, the appeal is disposed of. No costs.