

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**

**Misc. Appeal No. 279 of 2016**

1. Smt. Gayitri Devi wife of late Onkar Nath Bhagat
2. Priyanka Rani daughter of Late Onkar Nath Bhagat
3. Alka Rani daughter of Late Onkar Nath Bhagat
4. Smt. Manti Devi wife of Sri Ramji Bhagat

The appellant no.3 late a minor has attained the age of majority.

All resident of village Durgapur,

Post: Kamargama, P.S. Sangrampur

Via – Tarapur, District – Munger (Bihar)

... **Appellants**

Versus

1. Election Commission of India  
Through District Election Office  
Post and P.S. Giridih  
District – Giridih PIN Code 815301  
(Jharkhand)
2. District Election Officer  
District Election Office  
Post and P.S. Giridih  
District – Giridih, Pin Code 815301  
(Jharkhand)
3. Deputy Election Officer  
District Election Office  
Post and P.S. Giridih  
District – Giridih Pin Code 815301  
(Jharkhand)
4. State of Jharkhand  
Through Deputy Commissioner  
Post and P.S. Giridih, District – Giridih  
Pin Code 815301 (Jharkhand)
5. Akhtar Hussain son of Md. Usman  
Resident of village – Yogitand  
P.O. Chaitadih, P.S. Giridih (Muffasil)  
District : Giridih (Jharkhand)  
Pin Code – 815302
6. Chotu Thathera son of Late Mahabir Thathera  
Resident of Whitty Bazar, P.S. Giridih Town  
Post and District – Giridih  
(Jharkhand)
7. Reliance General Insurance Co. Ltd.  
Through Branch Manager  
3<sup>rd</sup> Floor, Chandra Kali Bhawan  
M – 5, City Centre  
Post and P.S. Bokaro Steel City  
District – Bokaro Pin Code 827004
8. Reliance General Insurance Co. Ltd.  
570, Rectifier House  
Naigaum Cross Road, Wadala (W),  
P.S. – Wadala, post – Mumbai

District – Mumbai, Pin Code - 400031 ... **Respondents**

**With**

**Misc. Appeal No. 639 of 2016**

1. State of Jharkhand through Deputy Commissioner Giridih, at Giridih, P.O. & P.S. – Giridih, District – Giridih, Jharkhand
2. Deputy Election Officer, P.O. & P.S. Giridih, District – Giridih, Jharkhand
3. District Election Officer, P.O. P.S. & District – Giridih, Jharkhand

... .. **Appellants**

Versus

1. Smt. Gayitri Devi, wife of Late Onkar Nath Bhagat, R/o Durgapur, P.O. Kamargama, P.S. Sangrampur, Via Tarapur, District – Munger (Bihar)
2. Priyanka Rani, Daughter of Late Onkar Nath Bhagat, R/o Durgapur, P.O. Kamargama, P.S. Sangrampur, Via Tarapur, District – Munger (Bihar)
3. Alka Rani, Daughter of Late Onkar Nath Bhagat, R/o Durgapur, P.O. Kamargama, P.S. Sangrampur, Via Tarapur, District – Munger (Bihar)
4. Smt. Manti Devi, Wife of Sri Ramji Bhagat, Resident of Vill. Durgapur, P.O. Kamrgama, P.S. Sangrampur, Via Tarapur, District Munger (Bihar) ... **Respondent/Claimants**
5. Election Commission of India, through District Election Office, P.O. P.S. & District – Giridih, Jharkhand
6. Akhtar Hussain, Son of Md. Usman, Resident of village Yogitand, P.O. – Chaitadih, P.S. Giridih (Muffasil), District – Giridih (Jharkhand)
7. Chotu Thathera, Son of late Mahabir Thathera, Resident of Whitty Bazar, P.S. Giridih Town, P.O. & District Giridih, Jharkhand
8. Reliance General Insurance Co. Ltd. through Branch Manager, 3<sup>rd</sup> Floor, Chandra Kali Bhawan, M-5, city Centre, P.O. & P.S. – Bokaro Steel City, District – Bokaro
9. Reliance General Insurance Co. Ltd. 5710, rectifier House, Naigaum Cross Road, Wadala (W), P.O. & P.S. Mumbai

... .. Respondents/Opposite parties

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**CORAM :HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY**

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For the Claimants : Mr. Arvind Kr. Lall, Advocate  
: Mr. Shiwam Lath, Advocate  
For the State : Mr. Sanjay Kr. Tiwari, SCI  
For the Insurance Company: Mrs. Swati Shalini, Advocate  
For the ECI : Mrs. Richa Sanchita, Advocate

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**Lastly heard on 13.08.2024**

**19/03.10.2024**

These two appeals arising out of judgment and Award dated 08.03.2016 passed by the learned District Judge cum Motor Vehicle

Accident Claim Tribunal, Court No. 1, Giridih in Title (M.V.) Claim Case No. 46 of 2009.

**M.A. No. 639 of 2016**

2. Learned counsel appearing on behalf of the State while assailing the impugned Award has submitted that the State was debarred from filing written statement, but the Insurance company in its written statement had specifically taken a plea that the ex-gratia amount of Rs. 10 lakhs was required to be adjusted against the compensation amount. He submits that even when the vehicle was requisitioned for the purposes of election, the liability of the Insurance Company continued even after the judgement passed by Hon'ble Supreme Court reported in *(2008) 1 SCC 414 (National Insurance Co. Ltd. Vs. Deepa Devi and others)*. However, during the course of arguments, the learned counsel for the appellant has not been able to distinguish the judgment of the Hon'ble Supreme Court in the case reported in *Deepa Devi (supra)*.

3. The learned counsel has also relied upon the judgment passed by the Hon'ble Supreme Court reported in *(2016) 9 SCC 627 (Reliance General Insurance Company Limited Vs. Shashi Sharma and others)* to submit that in the said case ex-gratia payment was directed to be adjusted. The learned counsel has also submitted that the claimants are entitled to just compensation and there can be no double benefit to the claimants, once through the claim under Motor Vehicle Act and further through the ex-gratia payment. The learned counsel further submitted that in spite of the judgment passed by the Hon'ble Supreme Court in the case of *Deepa Devi (supra)*, the liability is on the Insurance company.

4. The learned counsel appearing on behalf of the Insurance company has opposed the prayer of the State and submitted that the point involved in the present case is squarely covered by the case of *Deepa Devi (supra)* and no distinguishing point has been raised by the learned counsel for the State to fastened the liability upon the Insurance Company. She has submitted that the learned Tribunal has considered every aspect of the matter and has consequently fastened

the liability upon the State. The State did not even file written statement before the learned Tribunal denying its liability.

5. The learned counsel appearing on behalf of the Election Commission of India has submitted that, even though the management, control, and possession of the vehicle during the election were with the officers of the State for the purposes of conducting the election, the owner of the vehicle is entitled to rent.

However, the records reveal that the Election Commission of India did not file any written statement before the Court, and there was no contest from their side.

6. The learned counsel appearing on behalf of the claimants has vehemently opposed the prayer of the State seeking adjustment of ex-gratia payment and has submitted that the ex-gratia payment is to be made uniformly to the persons who are on election duty and they suffer death while on election duty. He submits that the payment is made irrespective of the fact whether the death occurs out of the accident by motor vehicle. The learned counsel submits that the ex-gratia payment cannot be adjusted against the compensation arising out of motor vehicle accident and this aspect of the matter has been rightly considered by the learned Tribunal and the argument of adjustment has been rejected.

7. The learned counsel has relied upon the judgment passed by this Court in the case of *Urmila Devi and Others -vs- Superintendent of Police, Gumla and Others* reported in (2020) 2 JBCJ 429 HC to submit that in the said case, it has been held that any amount paid as ex-gratia cannot be deducted from compensation awarded to the claimants under Motor Vehicles Act. The learned counsel has specifically referred to Para 16 of the said judgment which is quoted as under:

*“16. It is true that Urmila Devi (claimant No. 1) has been given compassionate appointment apart from ex-gratia of Rs. 10,000,00/-, as per the scheme of the ‘Jharkhand Police’ but the said amount cannot be deducted from the compensation for which the dependents of the deceased are entitled under the Motor Vehicles Act. The Hon'ble Apex Court has held in the case of Lal Dai v. Himachal Road Transport, reported in (2007) 8 SCC 319 relying on earlier*

*judgment passed in Helen C. Rebello (Mrs) v. Maharashtra State Road Transport Corporation, reported in (1999) 1 SCC 90 on this issue.”*

**MA No. 279 of 2016**

8. The learned counsel for the appellants (claimants) has submitted that the learned Tribunal has erred in fixing the quantum of compensation in as much as no amount has been paid under the head “future prospects”. The deceased was 51 years of age, and as per the judgment passed in the case of *Pranay Shethi*, the “future prospects” ought to have been taken to the extent of 15%. He further submits that under conventional head, only Rs.10,000 has been awarded, but the same should have been Rs.15,000 for funeral, Rs.15,000 for loss of Estate, and Rs.40,000 each for the claimants; the total claimants being four in number.

9. With respect to the quantum of compensation, the learned counsel for the claimants has relied upon the judgment passed by the Hon’ble Supreme Court in *Civil Appeal No.2705 of 2020 (United India Insurance Company Vs. Satinder Kaur and others)* decided on 30<sup>th</sup> June 2020 to submit that compensation on account of “consortium” is to be given to each of the dependent separately.

10. The learned counsel appearing on behalf of the State while opposing the prayer for enhancement of compensation has submitted that the deceased being a government servant and his family being entitled for pension, there is no question of grant of any amount on account of “future prospects”.

**Findings of this Court**

11. During the course of hearing, the entitlement of the claimants to have compensation arising out of Motor Vehicle Accident is not in dispute. However, the following points arise for consideration: -

- a) *Whether the liability to pay compensation has been rightly fixed upon the state inspite of the fact that the vehicle requisitioned on election duty was duly insured and there was no violation of the insurance policy?*
- b) *Whether the ex-gratia amount of Rs. 10 lacs ought to have been adjusted against the awarded amount of compensation?*

*c) Whether the compensation has been rightly determined?*

**12.** This court finds that before the learned Tribunal, Election Commission of India and the concerned election officers and also the Deputy Commissioner, Giridih, State of Jharkhand were party apart from the insurer of Tata Magic Jeep No. JH 11 E-2458. The records reveal that though the notice was issued to the Election Commission of India as the vehicle was requisitioned for election purpose and the State of Jharkhand appeared through the Deputy Commissioner, Giridih, but no written statement was filed on behalf of the Election Commission of India and its Officers and also on behalf of the State of Jharkhand and they being opposite party No. 1 to 4 before the Tribunal were debarred from filing written statement vide order dated 20.06.2012.

**13.** The case of the claimants was that on 29.04.2009 Onkar Nath Bhagat, deceased was travelling as a Patrolling Magistrate along with Sub-Inspector and constable after carrying EVM Machine from Giridih police line by a Tata Magic Jeep No. JH 11 E-2458 and while the said jeep reached near village Chainpur, the driver who was driving the vehicle in a high speed lost its control and rammmed against a road side tree as a result of which Onkar Nath Bhagat who was sitting in the front seat received injury and died on the spot. The Assistant Sub Inspector of Police, Mudrika Ram also succumbed to injury and died on the way to the hospital. Driver and other members of the patrolling party also received grievous injuries on their body.

**14.** The owner, driver and Reliance General Insurance company who were opposite party Nos. 5 to 8 had filed their respective written statements.

**15.** The owner and the driver in their written statement admitted the accident but denied that the driver was driving the vehicle rashly and negligently and in a very high speed. Their further defence was that the vehicle was requisitioned and it was under the control and possession of the Election Commission of India as such the State was liable to pay compensation although their defence was also that the



vehicle was insured with the aforesaid insurance company and the driver had a valid driving license at the time of accident.

**16.** Further the Insurance Company also challenged the claim. Their defence was that it was a case of contributory negligence as the deceased was himself responsible for the accident. They denied the liability. Their further defence was that the Election Commission of India had paid a sum of Rs. 10 lacs as ex-gratia on account of death of the deceased and their further defence was that unless the owner brings vehicular paper with respect of his vehicle, the Insurance Company was not liable to pay compensation.

**17.** The learned Tribunal framed as many as eight issues as recorded in paragraph 5 of the judgment and numerous documents were exhibited. The learned Tribunal ultimately held that the death of the deceased Onkar Nath Bhagat was due to rash and negligent driving of the driver of the offending vehicle and the Tribunal did not find any evidence to establish contributory negligence and also held that the deceased was a third party. The learned Tribunal further held that the driver was having a valid driving license at the time of the alleged accident and there was no violation of the terms and conditions of the policy. The learned Tribunal also considered the points raised by the parties in as much as the Insurance Company had raised a plea that since the vehicle was for election duty, the compensation is to be paid by the State and on the contrary, it was argued from the side of the State that since the vehicle was insured, it was for the Insurance Company to pay compensation. Further argument of the State was that the claimant had already received compensation from the State under ex-gratia payment.

**18.** The learned Tribunal while referring the various judgments held that ex-gratia payment and compensation amount are different and there could be no deduction of ex-gratia payment from the amount of compensation payable under the Motor Vehicles Act. The learned Tribunal having held as aforesaid proceeded to decide the quantum of compensation and recorded that the deceased was 51 years of age and his income was Rs. 27,000/- per month. The income of the deceased

was taken as Rs. 27,000/- per month for the purposes of awarding compensation. Accordingly, the, calculation was done.

**19.** Considering the age of the deceased, multiplier was taken as 11 and 1/4<sup>th</sup> of the income was deducted as personal expenses of the deceased. The claimants were found entitled to only Rs. 10,000 for loss of consortium and funeral expenses. The total amount was Rs. 26,83,000/- which was directed to be paid by the State of Jharkhand with interest @ 9% from the date of institution of the case till actual payment.

**Point no (a)**

**20.** In the judgment passed by the Hon'ble Supreme Court reported in *(2008) 1 SCC 414 (National Insurance Company Ltd. versus Deepa Devi and Others)* the question which arose for consideration was as to whether in the event car is requisitioned by the State for the purpose of deploying the same in election duty, who would be liable to pay compensation to the victim of the accident in terms of the provisions of the Motor Vehicles Act.

The Hon'ble Supreme Court held in paragraph 10 of the judgment that the owner of the vehicle cannot refuse to abide by the order of requisition of the vehicle by the Deputy Commissioner and while the vehicles remains under requisition, the owner does not exercise any control on the vehicle and further the driver may still be the employee of the owner of the vehicle but he has to drive it as per the direction of the officer of the State who is put in-charge thereof. Save and except for legal ownership, for all intent and purpose the registered owner of the vehicle loses entire control on the vehicle. It has been further held that in such a situation the case must proceed on the presumption that the Parliament while enacting the Motor Vehicles Act of 1988 did not envisage such a situation and in a given situation the statutory definitions contained in the 1988 Act cannot be given effect to in letters and spirit and the same should be understood from common sense point of view. The Hon'ble Supreme Court ultimately held in paragraph 19 that the State shall be liable to pay amount of compensation to the claimants and not the registered owner of the



vehicle and consequently the appellant Insurance Company was held to be not liable for making payment. Para 10 of the judgment is quoted as under:-

*“10. Parliament either under the 1939 Act or the 1988 Act did not take into consideration a situation of this nature. No doubt, Respondents 3 and 4 continued to be the registered owners of the vehicle despite the fact that the same was requisitioned by the District Magistrate in exercise of the power conferred upon him under the Representation of the People Act. A vehicle is requisitioned by a statutory authority, pursuant to the provisions contained in a statute. The owner of the vehicle cannot refuse to abide by the order of requisition of the vehicle by the Deputy Commissioner. While the vehicle remains under requisition, the owner does not exercise any control thereover. The driver may still be the employee of the owner of the vehicle but he has to drive it as per the direction of the officer of the State, who is put in charge thereof. Save and except for legal ownership, for all intent and purport, the registered owner of the vehicle loses entire control thereover. He has no say as to whether the vehicle should be driven at a given point of time or not. He cannot ask the driver not to drive a vehicle on a bad road. He or the driver could not possibly say that the vehicle would not be driven in the night. The purpose of requisition is to use the vehicle. For the period the vehicle remains under the control of the State and/or its officers, the owner is only entitled to payment of compensation therefor in terms of the Act but he cannot not (sic) exercise any control thereupon. In a situation of this nature, this Court must proceed on the presumption that Parliament while enacting the 1988 Act did not envisage such a situation. If in a given situation, the statutory definitions contained in the 1988 Act cannot be given effect to in letter and spirit, the same should be understood from the common-sense point of view.”*

**21.** This court is of the considered view that the point no (a) is squarely covered by the aforesaid judgement passed by the Hon'ble Supreme Court and the learned counsel for the State has failed to substantiate as to how the Insurance Company will continue to be liable even after the said judgement. As soon as the vehicle is requisitioned by the Election Commission during election , the owner completely loses control of the vehicle and the vehicle does not ply as per his wishes and desire and there could also be situation where the conditions of insurance policy are violated , for example , plying of

vehicle on a route for which required permit is not available or vehicle driven by a driver who does not have the required driving license etc. In the aforesaid judgement passed by the Hon'ble Supreme court also the policy was issued for '*private vehicle for use for social, domestic and pleasures and insured's own purpose*' as is apparent from paragraph 3 of the judgement but was requisitioned and used for election purpose during Assembly Elections during which the accident had taken place and the Hon'ble Supreme Court fastened the liability on the Insurance Company on the ground that the vehicle was totally out of the control of the owner and such a situation was not contemplated by the Motor Vehicles Act,1988. The learned counsel for the State has tried to submit that rent was to be paid to the owner of the vehicle but such plea cannot be accepted as neither the State nor the Election Commission of India filed any written statement before the learned Tribunal nor there is any material to support such an argument. This court is of the considered view that the liability cannot be fastened upon the Insurance Company and the State has to compensate the claimants for the accident which had taken place while the vehicle involved in this case was requisitioned for election purpose. The issue is squarely covered by the aforesaid judgement passed in the case of *Deepa Devi (supra)* in favour of the Insurance Company and against the state. **The point no.(a) is decided accordingly.**

**Point no.(b)**

2. After having held that liability to pay compensation has to be discharged by the State while deciding point no. (a), it is required to be decided as to whether the ex-gratia amount of Rs. 10 lakhs which has been paid to the legal heirs and successors of the deceased is to be adjusted against the compensation amount.

3. In the judgment passed by the Hon'ble Supreme Court in the case reported in (1999) 1 SCC 90 (*Helen C. Rebello v. Maharashtra SRTC*) the Hon'ble Supreme Court has analyzed the legal position regarding application of general principles for estimating damages under the common law and held that such principles cannot be

invoked for computing compensation under Motor Vehicles Act. It has been further held that in order to adjust the pecuniary advantage from other source on account of death, it must correlate to the injury or death caused on account of motor accident. Meaning thereby that there can be no deduction from the compensation payable arising out of motor vehicle accident of the amount receivable by the dependants of the deceased by way of “social security compensation” and “life insurance policy” [*United India Insurance Co. Ltd. v. Patricia Jean Mahajan, (2002) 6 SCC 281*]

4. The said judgement passed in the case of *Helen C. Rebello (supra)* was considered by the Hon’ble Supreme Court in the judgment reported in *(2016) 9 SCC 627 (Reliance General Insurance Company Limited versus Shashi Sharma and Others)* and held that the term compensation has not been defined under the provisions of Motor Vehicles Act of 1988 and by interpretative process it has been understood to mean to recompense the claimants for the possible loss suffered or likely to be suffered due to sudden and ultimately death of their family member as a result of motor accident. It has also been observed that two cardinal principles run through the provisions of Motor Vehicles Act of 1988 in the matter of determination of compensation. *Firstly*, the measure of compensation must be just and adequate; and *secondly*, no double benefit should be passed on to the claimants in the matter of award of compensation. The compensation is not intended to be a bonanza, largesse or source of profit and as to whether the compensation is just and adequate or it is double benefit would depend upon the facts and circumstances of each case. What would be just compensation would depend upon the facts and circumstances of each case. It has been further held that the principle discernible from the judgment passed in *Helen C. Rebello v. Maharashtra SRTC (supra)* is that if the amount would be due to the dependents of the deceased even otherwise, the same shall not be deductible from the compensation amount payable under the Motor Vehicles Act of 1988 and it must be borne in mind that the ‘loss of income’ is a significant head under which compensation is claimed in

terms of the Motor Vehicles Act of 1988 and the quantum of 'loss of income' inter alia can be 'pay and wages' which otherwise would be earned by the deceased employee if he had survived the injury caused to him due to motor accident.

5. This court finds that in the case of *Shashi Sharma*, the payment of ex-gratia amount was governed by the Rules which clearly provided that the ex-gratia amount was being paid for loss of pay and other allowances for a specified period.

6. Considering the Rules which was subject matter of consideration in the said case, the Hon'ble Supreme Court held that the claimant could legitimately claim for loss of pay and wages under Motor Vehicles Act of 1988 and at the same time it was payable by way of ex-gratia amount under Rule 5. It was held that the ex-gratia amount was already payable for loss of pay and wages and if further loss of pay and wages is provided by the Tribunal under Motor Vehicles Act, 1988, the same would amount to double payment towards the same head of loss of pay and wages. The Hon'ble Supreme Court held that the claim towards pay and allowances which was payable under Rule 5 of the Rules involved in the said case cannot be paid for the second time to the claimants by the Tribunal constituted under Motor Vehicles Act.

7. The Hon'ble Supreme Court also observed that it was true that concerned Rules would come into play if the government employee dies due to harness even due to natural death, but at the same time Rules did not expressly enable the dependent of the deceased government employee to claim similar amount from the insurance company because of accidental death of the deceased government employee. The harmonious approach for determining a just compensation payable under the Act of 1988 therefore was to exclude the amount received or receivable by the dependents of the deceased government employee under the Rules towards the head financial assistance equivalent to pay and other allowances that was last drawn by the deceased government employee in the normal course for the period specified. It has been also held that so far as the claim towards

loss of future escalation of income and other benefits, if the deceased government employee had survived in the accident is concerned, that can still be pursued by the claimants in their claim under the Motor Vehicle Act , 1988.

8. This court finds that the judgment passed by the Hon'ble Supreme Court in the case of *Shashi Sharma(supra)* cannot be applicable to the facts and circumstances of this case. The State or the Election Commission of India neither filed any written statement before the Tribunal nor there was no material on record to relate payment of ex-gratia amount to one or the other head/subhead under which compensation is payable in terms of Motor Vehicle Act so as to demonstrate that payment of ex-gratia amount could be double benefit. It was also not clear as to whether the payment of ex-gratia was a part of 'social security' or it was a compensation for 'loss of income'. It is also not clear as to how the ex-gratia amount of Rs, 10 lacs has been calculated and what is the basis of such calculation and whether the amount was relatable to the loss of 'pay and wages' or any other head/subhead under which compensation is payable in terms of Motor Vehicles Act. It is further not in dispute that Rs.10 lakhs is payable to the legal heirs and successors of deceased employee merely on account of death of employee while on election duty irrespective of the fact as to whether the death occurs on account of motor vehicles accident. This court is of the considered view that merely because certain ex-gratia amount is payable, the same cannot be deducted from the compensation amount. *The issue no. (b) is accordingly decided in favour of the claimant and against the State.*

9. **As a cumulative effect of the aforesaid findings with regard to point nos. (a) and (b), Miscellaneous Appeal No. 639 of 2016 is dismissed.**

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22. So far as quantum of compensation is concerned, the same is quantified in terms of the various judgements as under: -

<b>Calculation as per law taking into consideration income tax, future prospects and conventional heads</b>
Age of the deceased – 51- year at the time of death in 2009
Number of dependents – 4
Monthly income as taken by the learned Tribunal - 27,000/- per month
Yearly income - 3,24,000 /-
Future prospect 15% of Rs. 3,24,000 /- = 48,600 /-
Rs. 3,24,000 /- + 48,600 /-
= 3,72,600 /- <i>[in terms of judgement passed in the case of Pranay Sethi reported in (2017)16 SCC 680.</i>
1/4 <sup>th</sup> of the income is deducted towards personal living expenses of the deceased (in view of decision in Sarla Verma Vs. D.T.C)
93,150/-
3,72,600 /- – 93,150/-
= 2,79,450/-
Compensation after multiplier of 11
2,79,450/- x 11 = 30,73,950/-
Conventional head - Rs. 1,90,000/- <i>[loss of estate Rs.15,000/- Funeral expenses- Rs.15,000/- and loss of consortium Rs. 40,000 X 4]</i>
Total = 32,63,950/-
<i>[in terms of judgement passed in the case of Pranay Sethi reported in (2017)16 SCC 680.</i>
<b><i>[loss of consortium is to be paid separately to each dependent in view of judgement passed in 2023 SCC Online SC 780 (Rahul Ganpatrao Sable Vs. Laxman Maruti Jadhav (Dead) through Lrs. And others) paragraph 33]</i></b>
Interest payable @ 9% per annum from the date of filing of the claim till payment as directed by the learned Tribunal.

**23.** Accordingly, Miscellaneous Appeal No. 279 of 2016 is disposed of with enhancement of compensation as calculated above.

**(Anubha Rawat Choudhary, J.)**