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HIGH COURT OF CHHATTISGARH, BILASPUR

Miscellaneous Appeal No.1090 of 2004

United India Insurance Company Ltd., Ram Mandir Road, Nagar, P.S. and Tahsil Ambikapur, District Surguja, Chhattisgarh

---- Appellant

versus

1. Budhiyaro, wife of Muthru, aged about 70 years, occupation Housewife, resident of Village Sur, P.S. and Tahsil Sitapur, District Surguja, Chhattisgarh
2. Rakesh Kumar Singh, son of Late Vijay Shanker Singh, resident of Nehru Ward, Sattipara, Nagar, P.S. and Tahsil Ambikapur, District Surguja, Chhattisgarh

---- Respondents

For Appellant	:	Shri H.B. Agrawal, Senior Advocate with Ms. Nand Kumari Kashyap, Advocate
For Respondent No.1	:	Shri Sushil Dubey, Advocate
For Respondent No.2	:	None

Hon'ble Shri Deepak Gupta, Chief Justice

Order on Board

22.7.2016

1. This appeal by the Insurance Company is directed against award dated 31.7.2004 passed in Claim Case No.16 of 2003 by the Fourth Additional Motor Accidents Claims Tribunal, Ambikapur awarding sum of Rs.1,77,000/- in favour of Claimant Budhiyaro, grand mother of the deceased.

2. The grounds of challenge to the award by the Appellant/Insurance Company are firstly that the income of the deceased has wrongly been taken as Rs.15,000/- per annum and secondly that the Claimant/grand mother was aged about 70 years and, therefore, the multiplier of 17 could not have been applied.

3. Shri H.B. Agrawal, Learned Senior Counsel appearing for the Appellant/Insurance Company is absolutely right in submitting that the Claims Tribunal could not have applied multiplier of 17 in such a case. Where the deceased was a bachelor, two methods are applied for deduction of personal and living expenses of the deceased and application of multiplier for computation of compensation. The first method is that 50% of the income of the deceased is deducted for his personal and living expenses and in that eventuality the multiplier is applied by taking into consideration the age of the deceased. The second method is that 1/3rd of the income of the deceased is deducted for his personal and living expenses and in that eventuality the multiplier is applied by taking into consideration the age of the dependent.

4. In the present case, keeping in view the future prospects of the deceased, I assess his income at Rs.5,000/- per month and after deduction of 50% of his income towards his personal and living expenses, the loss of dependency comes to Rs.2,500/- per month, i.e., Rs.30,000/- per annum. The compensation awarded by the Claims Tribunal is Rs.1,77,000/- only, which is less than the amount of compensation payable on applying either of the aforesaid two methods.

5. In view of the above discussion, I find no merit in this appeal. It is accordingly dismissed.

Sd/-
(**Deepak Gupta**)
CHIEF JUSTICE

Gopal