

HIGH COURT OF CHHATTISGARH, BILASPUR**Miscellaneous Appeal No.131 of 2005**

1. T. George, aged 48 years, son of Late V. George,
2. Smt. Selin George, aged 44 years, W/o T. George,
3. Gini George, aged 21 years, D/o T. George,
4. Jeslie George, aged 18 years, D/o T. George,

All R/o Kalika Nagar, Tifra, Bilaspur, District Bilaspur, Chhattisgarh

---- Appellants

versus

1. Baldeo Singh, aged about 46 years, S/o Gurubachan Singh Panjabi, Owner & Driver of Truck No.CG 07 ZD 0838, R/o Camp 1, Teen Darshan Mandir, Bhilai, P.S. Chhawani, District Durg, Chhattisgarh
2. The Oriental Insurance Co. Ltd., through Divisional Manager, Opp. High Court, Bilaspur, Chhattisgarh

---- Respondents

For Appellants	:	Shri Vijay K. Deshmukh, Advocate
For Respondent No.2	:	Shri T.K. Tiwari, Advocate
For Respondent No.1	:	None

Hon'ble Shri Deepak Gupta, Chief Justice

Order on Board

22.7.2016

1. This is an appeal by the Claimants for enhancement of compensation awarded in Claim Case No.18 of 2004 by Fifth Additional Motor Accidents Claims Tribunal, Bilaspur on 5.11.2004. The Claimants are the parents and sisters of the deceased. The only dispute is with regard to amount of compensation and, therefore, the other facts are not being mentioned here.

2. The deceased was aged about 18 years. The Claimants are his parents and two sisters. The deceased was studying in an under graduation course of Bachelor of Commerce Part-I. The Claims Tribunal has assessed his income as Rs.15,000/- per annum, deducted 1/3rd towards his personal and living expenses and accordingly awarded a sum of Rs.2,26,000/-.

3. The deceased did not belong to a labour class. He belonged to a

middle class family. He was a student of Bachelor of Commerce Part-I which means that he could become at least a Clerk. Even in the year 2004 in which the accident took place, a Clerk would not have earned less than Rs.5,000/- per month. Since the deceased was a bachelor, 50% of his income would be deducted towards his personal and living expenses. The Claimants in their claim petition have stated that the deceased was running a computer coaching class from home and was making earnings therefrom. This averment is not acceptable as the same has been rejected by the Claims Tribunal in absence of proof therefor. Taking into consideration the future prospects, the income of the deceased can be assessed at Rs.7,500/- per month. Since the deceased was a bachelor, 50% of his income would be deductible towards his personal and living expenses and accordingly, loss of dependency comes to Rs.3,750/- per month, i.e., Rs.45,000/- per annum. The deceased was aged about 18 years, therefore, multiplier of 17 would be applicable for computation of compensation. Hence, the compensation works out at $(Rs.45,000/- \times 17 =)$ Rs.7,65,000/-. In addition thereto, sum of Rs.15,000/- is awarded for funeral expenses and sum of Rs.20,000/- is awarded for loss of love and affection. The total amount of compensation thus works out at Rs.8,00,000/-. On this amount of compensation of Rs.8,00,000/-, simple interest @ 6% per annum is also awarded from the date of filing of the claim petition before the Claims Tribunal till realisation of the full amount of compensation.

4. Thus, the compensation awarded by the Claims Tribunal is enhanced from Rs.2,26,000/- to Rs.8,00,000/- along with the interest as aforesaid. The total amount of compensation shall only be paid to the parents of the deceased, i.e., father T. George and mother Smt. Selin George. The father shall be entitled to get 25% of the award amount and the mother shall be entitled to get 75% of the award amount. Rest of the impugned award with regard to liability of payment of compensation shall

remain intact.

5. The appeal is allowed in the aforesaid terms. No costs.

Sd/-

(Deepak Gupta)
CHIEF JUSTICE