

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. A. No. 587 OF 2004**

1. Vidyadharlal Sinha S/o late Kailash Narayanlal Sinha aged about 60 years occupation service Principal Government College Jashpur presently Permanent Address Rice Mill Road Vivekanand Nagar Ambikapur P.S. And Tehsil Ambikapur District Sarguja (CG)
2. Smt. Mithilesh W/o Vidyadharlal Sinha aged about 52 years R/o Rice Mill Road Vivekanand Nagar Ambikapur P.S. And Tehsil Ambikapur District Sarguja (CG)
3. Amit Sinha S/o Vidyadharlal Sinha aged about 24 years M.S.C. (Unemployed) R/o Rice Mill Road Vivekanand Nagar Ambikapur District Sarguja (CG)
4. Ashish Sinha S/o Vidyadharlal Sinha aged about 20 years occupation student B.E. IIIrd year R/o Rice Mill Road Vivekanand Nagar Ambikapur District Sarguja (CG)
5. Smt. Neelam Shrivastav D/o Vidhyadharlal Sinha aged about 24 years (married) R/o Masanganj Bilaspur P.S. And Tehsil Bilaspur (CG)

---- Appellants**Versus**

1. Shiv Prasad Rajwade S/o Ramlal Rajwade aged about 22 years occupation driver R/o village Orgai Police Station Sonhat District Koriya (CG)
2. United India Insurance Company Limited, Through Branch Manager Branch Officer Near Ram Mandir Ambikapur Post P.S. And Tehsil Ambikapur District Sarguja (CG)
3. Ajay Kumar Ingole S/o Atmaram Ingole aged about 35 years occupation Jeep Owner R/o Collector Bangla Road Ambikapur District Sarguja (CG)
4. Avinash Pandey S/o R.N. Pandey vehicle owner R/o Sonhat Tahsil Sonhat District Koriya (CG)
5. The Oriental Insurance Company Ltd. Through Branch Manager Branch Officer Near Ambedkar Chowk Ambikapur District Sarguja (CG)

-----Respondents

For Appellants	:	Mr. Atanu Ghosh, Advocate.
For Respondent No. 2	:	Mr. H.B. Agrawal, Sr. Advocate with
		Ms. Itu Rani Mukherjee, Advocate
For Respondent No. 3	:	Mr. Sanjay Patel, Advocate

Hon'ble Shri Sanjay Agrawal, J.

Order on Board

11/11/2016

1. This is claimants' appeal against the award dated 16/04/2004 passed by Second Additional Motor Accident Claims Tribunal (F.T.C.) Surajpur (herein after called as 'Claims Tribunal') in Claim Case No. 94/2002 whereby the Claims Tribunal while exonerating the Insurance Company from its liability has held liable to respondent No. 4 namely (owner) Avinash Pandey and (driver) Shiv Prasad Rajwade, the respondent No. 1, to deposit a total sum of Rs. 12,37,856/- with 9% interest per annum conditionally, if the same has not been deposited within a period of one month.
2. The only submission raised by the claimants' counsel for the enhancement of the impugned award is that the Claims Tribunal while awarding the compensation has awarded a meager amount of Rs.5000/- towards funeral expenses and also the interest as awarded conditionally is not proper. Therefore, they pray for enhancement of the amount of compensation in these regards.
3. I have heard learned counsel for the parties and perused the entire record carefully.
4. As far as the amount of compensation of Rs.5000/- as awarded towards funeral expenses is on the lower side in my opinion and therefore, I enhanced the same up to Rs.10,000/-. The Claims Tribunal has erred further in awarding the interest conditionally. Therefore, while modifying the same, I hereby direct that the amount of compensation shall carry interest at the rate of 9% per annum from the date of the award till its realization.
5. Since the finding with regard to the other points have not been assailed, therefore, I hereby affirmed the same.

6. In view of the above, the appeal is partly allowed.

7. The claimants' are entitled to total amount of compensation to the tune of Rs.12,42,856/- with 9% interest from the date of the award i.e. 16/04/2004 till its realization. No order as to cost(s).

Sd/-
(Sanjay Agrawal)
Judge

Tiwari