

HIGH COURT OF CHHATTISGARH, BILASPUR

MAC No. 285 of 2016

1. Vimla W/o Ratan, Aged About 40 Years Caste- Lohar, R/o Village- Chhichhlee (Rauni), Police Station & Tahsil- Bagicha, District- Jashpur, Civil & Revenue District- Jashpur, Chhattisgarh
2. Shobhnath S/o Ratan, Aged About 18 Years Caste- Lohar, R/o Village- Chhichhlee (Rauni), Police Station & Tahsil- Bagicha, District- Jashpur, Civil & Revenue District- Jashpur, Chhattisgarh
3. Ramprasad S/o Jhalmaliya, Aged About 32 Years Caste- Lohar, R/o Village- Chhichhlee (Rauni), Police Station & Tahsil- Bagicha, District- Jashpur, Civil & Revenue District- Jashpur, Chhattisgarh(Claimants)

---- Appellants

Versus

1. Nandeshwar Sai @ Nande S/o Budhram, R/o Village- Rauni (Pandrapath), Police Station & Tahsil- Bagicha, District- Jashpur, Civil & Revenue District- Jashpur, Chhattisgarh(Driver)
2. Anil Gupta S/o Narayan Sao, R/o Village & Post- Bagicha, District- Jashpur, Civil & Revenue District- Jashpur, Chhattisgarh(Owner)
3. Cholanandam M.S. General Insurance Company Limited (Policy No. 3380/00635806/000/000) Branch Office- Rahul Complex, 1st Floor In Front Of Axis Bank, Dimrapur Road, Raigarh, Tahsil & District- Raigarh, Chhattisgarh(Insurer)

---- Respondents

Shri Rishikant Mahobia, counsel for the appellant/s.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

25/02/2016

This appeal for enhancement of compensation has been filed on the ground that the Claims Tribunal has wrongly calculated notional income of the deceased and erred in not appreciating that the deceased – Somari was a vegetable vendor earning Rs.20,000/-. The age of the deceased has also been wrongly determined leading to application of incorrect multiplier.

2. The Claims Tribunal, relying upon the documentary evidence, being documents of medical treatment issued from the Primary Health Center, Bagicha has come to the conclusion that the age of the deceased – Somari was 70 years and that what has been recorded in the ration card is highly improbable. No other evidence has been led by the Claims Tribunal to prove that the age of Somari was 59 years. Therefore, finding in this regard does not warrant any interference.

In the absence of there being any proof of definite income of the deceased and she being aged 70 years, calculation of notional income as Rs.15,000/- per year does not suffer from any illegality.

3. In view of the above, no ground is made out for interference with the impugned award. The appeal is accordingly dismissed at motion stage itself.

Sd/-

(Manindra Mohan Shrivastava)
Judge