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HIGH COURT OF CHHATTISGARH, BILASPUR

MAC No. 657 of 2016

1. Ramadhar Yadav S/o Late Bhaiyyaram Yadav, Aged About 48 Years R/o Chandan Aawas, Qtr. No. 1/60, Rajkishore Nagar, Police Station Sarkanda, Bilaspur, Civil And Revenue District Bilaspur (Chhattisgarh)
2. Bhushan Yadav, S/o Ramadhar Yadav, Aged About 22 Years R/o Chandan Aawas, Qtr. No. 1/60, Rajkishore Nagar, Police Station Sarkanda, Bilaspur, Civil And Revenue District Bilaspur (Chhattisgarh)(Claimants)

---- Appellants

Versus

1. Subhash Singh Paraste S/o Nanku Singh Paraste, Aged About 29 Years R/o Pakri, Post Rosa, Police Station Karanjiya, District Dindori (Madhya Pradesh) At Present C/o Rupesh Mittal, Mittal Kunj, V. I. P. Colony, Behind Shiv Talkies, Police Station City Kotwali, District Bilaspur (Chhattisgarh).....(Driver Of Vehicle Truck No. C G 10 A 8961)
2. Rupesh Mittal, S/o Bholaram Mittal, R/o Mittal Kunj, V.I.P. Colony, Behind Shiv Talkies, Police Station City Kotwali, District Bilaspur (Chhattisgarh).....(Owner Of Vehicle Turck No. C G 10 A 8961)
3. The Bajaj Allianz General Insurance Company Limited, Through Branch Manager, Branch Office, Shivmohan Bhawan, 1st Floor, Vidhan Sabha Road, Pandri, Police Station Pandri, Civil And Revenue District Raipur (Chhattisgarh).....(Insurer Of Vehicle Truck No. C G 10 A 8961)

---- Respondents

For Appellants : Mr. Dinesh Verma, Advocate.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

12/05/2016

Heard on admission.

This appeal is directed against award dated 30.01.2016 by which the claimants, husband and the son have been awarded compensation of Rs.11,35,056/-.

Prayer for enhancement of compensation has been made on the ground that the appellants were dependents of late Smt. Draupti @ Durpati Bai, who was running a ration shop. It is submitted that the income has been assessed on lower side. It is also submitted that compensation towards future prospect have not been awarded.

The Claims Tribunal after taking into consideration the oral and documentary evidence on record and taking into consideration that deceased was running a ration shop, has assessed the income as Rs.10,000/- per month. The Claims Tribunal while assessing income has taken into consideration that no licence has been produced before the Court and taking into consideration the return of the income also. 1/3rd has been deducted and taking into consideration the age of 45 years as per the judgment of the case of **Sarla Verma (Smt.) and others vs. Delhi Transport Corporation and another, (2009) 6 S.C.C. 121**, multiplier of 14 has also been applied. Therefore, there is no scope for enhancement of compensation.

Considering that the appellant No.1 is the husband and the appellant No.2 is young boy, aged about 22 years, it cannot be said that the compensation is unjust and on lower side. No case is made out for enhancement of compensation.

The appeal is, therefore, dismissed.

Sd/-

(Manindra Mohan Shrivastava)

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