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HIGH COURT OF CHHATTISGARH, BILASPUR**Miscellaneous Appeal (C) No. 338 of 2006.**

1. Mahaveer Das, S/o Ishwar Das Vaishnav, Aged about 44 years.
2. Savitri Bai Vaishnav, W/o Ishwar Das Vaishnav, aged about 42 years,
All resident of Village Mokhala, P.O. Bhilai, Thana Arang, District Raipur
(Chhattisgarh).

---- Appellants**Versus**

1. Murali Manohar, S/o Prakash Chandra Patro, aged about 26 years, R/o Railway Colony, Kastunagar, P.S. & District Raigarh (Orissa)
2. Mesors Om Shanti Roadways Pvt. Ltd. Through P.K. Chiripal (Proprietor) Raigarh, District Raigarh (Orissa).
3. The National Insurance Co. Ltd. Through Mandal Manager, The National Insurance Co. Ltd. G.E. Road, Near of Purana Bus Stand Raipur, Raipur (Chhattisgarh)

---- Respondents

For Appellant/Claimants	:	None
For Respondent No.3	:	Shri Qamrul Aziz, Advocate.

Hon'ble Shri Deepak Gupta, Chief Justice
Judgment on Board

04/11/2016

1. This appeal by the Claimants for enhancement of compensation is directed against the award dated 31.03.2006 passed by the 9th Additional Motor Accidents Claims Tribunal, Raipur (hereinafter called 'the Tribunal') in Claim Case No. 20 of 2004, whereby the Tribunal passed an award of Rs.3,00,500/- in favour of the Claimants.
2. Since the only issue involved in this case is enhancement of the compensation, it is not necessary to give details of other facts of the case. Deceased Omprakash was aged about 22 years and the Claimants are his parents. The accident occurred on 04.07.2004. The Claimants claimed the income of the deceased was at Rs.4,500/- per month, but the Tribunal on the basis of evidence,

assessed income of the deceased at Rs. 3,600/- per month. I accept this finding to be correct, but the Tribunal has not added anything for future prospects of the deceased. Since the deceased was only aged about 22 years, 50% shall have to be added to this income on account of future prospects of the deceased and therefore, his income is taken to be Rs. 5,400/- per month for the purposes of calculating the compensation. 50% of the income is deducted towards personal expenses of the deceased, which leaves the monthly dependency at Rs. 2,700/- or Rs. 32,400/- per annum. Since the deceased was aged about 22 years, multiplier of 18 is applied and the compensation works out to Rs. 5,83,200/-. In addition thereto, the Claimants are held entitled to Rs.20,000/- for funeral expenses and another sum of Rs.50,000/- for loss of love and affection of their son. The total compensation is accordingly assessed at Rs. (5,83,200+20,000+50,000) = 6,53,200/-.

3. In view of the above discussion, the appeal is allowed. The award of the Tribunal is modified and the compensation is enhanced from Rs.3,00,500/- to Rs.6,53,200/- i.e. by Rs. 3,52,700/-. The Claimants shall also be entitled to interest on the enhanced amount of compensation at the rate of 9% per annum from the date of filing of the claim petition till payment/deposit of the amount. The Insurance Company is directed to deposit the enhanced amount of compensation alongwith proportionate interest thereupon before the learned Tribunal within a period of four months from today. Needless to say that the Insurance Company shall be entitled to deduct/adjust the amount paid under no fault liability or for satisfaction of the award.

4. The total amount of compensation i.e. Rs. 6,53,200/- is however apportioned as follows:

(a) Father	: Rs. 2,00,000/-
(c) Mother	: Rs. 4,53,200/-

5. No order as to costs. Send down the Tribunal's record forthwith.

Sd/-

(Deepak Gupta)
CHIEF JUSTICE