

HIGH COURT of CHHATTISGARH, BILASPUR**MAC No. 69 of 2017**

1. Smt Ritu Kandra Wd/o Late Rameshwar Kandra, Aged About 22 Years
2. Minor Ku. Aditi D/o Rameshwar Kandra, Aged About 05 Months,
3. Ghanshyam Kandra S/o Budhram Kandra, Aged About 50 Years
4. Smt. Shakun Bai W/o Ghanshyam Kandra, Aged About 48 Years
Respondent No.2 minor Through Legal Guardian Mother Ritu Kandra Wd/o Rameshwar Kandra,
All R/o Village Khairabhatha Near Shitli Naka Mahasamund Tahsil & District Mahasamund, Chhattisgarh.

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1. Jamil Khan S/o Jalil Khan, Aged About 42 Years R/o Village Bawankera, Police Station Patewa, Tahsil & District Mahasamund, Chhattisgarh(Driver Of Alleged Offending Vehicle Bearing Registration No. M.P.20-H B/2843).
2. Ajit Singh Gurudatta S/o Late Gurumukh Singh, (Not Mention In Order Sheet), R/o Station Road Mahasamund, Police Station Mahasamund, District Mahasamund, Chhattisgarh(Registered Owner Of Alleged Offending Vehicle Bearing Registration No. M.P.20-H B/2843).
3. Divisional Manager, Ifco Tokiyo General Insurance Company Limited, Second Floor Shop No. 205, M.M.Silver Plaza Opposite Uddyog Bhawan, Near Mining Office, Ring Road No.1, Raipur, District Raipur, Chhattisgarh(Insurer Of Alleged Offending Vehicle Bearing Registration No. M.P.20-H B/2843).

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For Appellants	:	Shri Gurudev I. Sharan, Advocate.
For respondent No.3	:	Shri P.R. Patankar, Advocate.

SB: Hon'ble Shri Justice P. Sam Koshy**Judgment On Board****04.10.2017.**

1. The present is an appeal filed by the claimants seeking enhancement of compensation under Section 173 of the Motor Vehicles Act (for short, the MV Act) against the award dated 06.09.2016 passed by the Motor Accident Claims Tribunal, Mahasamund (for short, the Tribunal) in Claim Case No.111 of 2015. Vide the said impugned award, the

Tribunal in a claim application filed under Section 166 of the MV Act by the claimants have awarded compensation of Rs.8,71,000/- along with interest @ 9 percent per annum from the date of application.

2. Learned counsel appearing for the appellants submits that the compensation awarded is on lower side inasmuch as the Tribunal has not taken into consideration the future prospects while quantifying the compensation. Likewise, the compensation under conventional heads are also on lower side. Further, the deduction towards personal expenses ought to have been 1/4th in place of 1/3rd as assessed by the Tribunal, and therefore, prayed for the amount of compensation to be suitably modified or enhanced.
3. Counsel for the insurance company however opposing the appeal submits that the award passed by the Tribunal seems to be fair and reasonable considering the entire facts and circumstances of the case.
4. Having heard the rival contentions put forth on either side and on perusal of records, indisputably so far as the proper compensation is concerned, this court has no hesitation in reaching to the conclusion that consideration of future prospects while quantifying the compensation becomes part and parcel of the award passed by the Tribunals in view of a catena of decisions of Supreme Court starting from the landmark judgment in the case of Sarla Verma and Ors. Vs. Delhi Transport Corporation & Anr. 2009 (6) SCC 121 and all subsequent decisions.
5. Thus, accepting the income of the deceased at Rs.6000/- per month, the yearly income would come to Rs.72,000/- of which if 50 percent is

added towards future prospects, the amount would come to Rs.1,08,000/- of which if 1/4th is deducted towards personal expenses, the amount would come to Rs.81,000/-which if multiplied by applying the multiplier of 17, the amount would reach to Rs.13,77,000/-. Thus, it is ordered accordingly that the claimants shall be entitled for Rs.13,77,000/- for loss of dependency instead of Rs.8,16,000/-as assessed by the Tribunal.

6. So far as compensation under conventional heads are concerned, keeping in view the decision of the Supreme Court in case of Rajesh & Ors. Vs. Rajbir Singh & Ors.2013(9) SCC 54, this court is of the opinion that ends of justice would meet if a lump sum compensation of Rs.1,00,000/- is awarded to the claimants instead of Rs.55,000/- as awarded by the Tribunal. Thus, the total compensation payable to the claimants would become Rs.14,77,000/-instead of Rs.8,71,000/-. It is ordered accordingly.
7. The said enhanced amount of compensation shall also carry interest at the same rate as awarded by the Tribunal.
8. Accordingly, the appeal of the claimants stands allowed and disposed off.

Sd/-
(P.Sam Koshy)
Judge