

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Misc. Appeal (C) No. 1183 of 2017

1. Kanak Kumar Tirky S/o Shri Alsemewar Tirky, aged about 19 years, R/o Village Vandana, Tahsil Seetapur, District Surguja Chhattisgarh (Driver of offending vehicle Bolero bearing Registration No. C. G. 15 B 6802)
2. Smt. Salomani W/o Shri Alsemewar Tirky, aged about 40 years, R/o Village Vandana, Tahsil Seetapur, District Surguja Chhattisgarh (Owner of offending vehicle Bolero bearing Registration No. C. G. 15 B 6802)

---- Appellants

Versus

1. Chandradev Yadav S/o Bechu Yadav, aged about 70 years, R/o Village Keshra, Police Station Kamleshwarpur, Tahsil Seetapur, District Surguja Chhattisgarh
2. Omprakash Yadav S/o Chandradev Yadav, aged about 44 years, R/o Village Keshra, Police Station Kamleshwarpur, Tahsil Seetapur, District Surguja Chhattisgarh

---- Respondents

For Appellants : Mr. Vinod Kumar Tekam, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

24/08/2017

Challenge in the present appeal is to the award dated 07.01.2017 passed by the Motor Accident Claims Tribunal, Ambikapur, District Sarguja (CG) in Motor Accident Claim Case No. 113/2016. Vide the impugned award, the Tribunal in a death case under Section 166 of MV Act has awarded compensation of Rs.3,18,000/- with interest @ 7%. Since, the vehicle at the relevant point of time did not have a valid insurance, the liability of payment of compensation has been fastened upon the owner and the driver i.e. the present appellants.

2. The sole contention of the counsel for the appellants is the quantum of compensation awarded. According to the counsel for the appellants, the multiplier applied by the Tribunal is on the higher side and as per the Second

Schedule, the multiplier ought to have been 5 in stead of 7 as applied by the Tribunal. Further contention of the counsel for the appellants is that the amount of compensation granted under the other heads like loss of love and affection and funeral expenses, considering the age of the deceased as also the age of the claimants, is also on the higher side. Thus, counsel for the appellants prayed for the award being suitably modified.

3. Having heard the contention put forth by the counsel for the appellants and on perusal of the record what reflects is that the multiplier that has been applied by the Tribunal was on the basis of the guidelines which have been laid down by the Supreme Court in the case of **Sarla Verma (Smt) and others v. Delhi Transport Corporation and another** reported in **(2009) 6 SCC 121** where in the age group of the deceased, the multiplier requires to be applied is 7. Thus, the finding of the Tribunal does not warrant any interference.

4. Likewise, this Court also does not find any strong ground raised by the appellants so far as calling for an interference with the award of compensation under the other heads i.e. loss of love and affection as also for funeral expenses; The issue stands decided from the recent decisions of the Supreme Court more particularly in the case of **Rajesh and Others vs. Rajbir Singh and others** reported in **(2013) 9 SCC 54**. Even otherwise, the compensation awarded under the head of loss of love and affection is only rupees one lakh and for funeral expenses, it is only Rs.25,000. The date of death in the instant case is 26.05.2015. Therefore, considering the fact that the accident is of the recent period, this Court does not find the award passed by the Tribunal to be either excessive or exorbitant rather the same is just and reasonable.

5. The appeal thus being devoid of merits, deserves to be and is accordingly dismissed.

Sd/-
(P. Sam Koshy)
Judge