

HIGH COURT OF CHHATTISGARH AT BILASPUR**MAC No.1463 of 2009**

1. Sahnooram Bareth S/o Mangluram Bareth, aged about 46 years.
 2. Ms.Bedmati W/o Sahnooram Bareth, aged about 41 years.
- Both are R/o Village Chandrapur, Tahsil Dabhra, District Janjgir-Champa (C.G.).

---Appellants**Versus**

1. Dilip Uron S/o Kartik Uron, aged about 19 years, Driver, R/o Dhangarpara, Chandrapur, Tahsil Dabhra, District Janjgir-Champa.
2. Ramanand Yadav S/o Gurumani Yadav, aged about 46 years, Owner of Vehicle, R/o Jabranpur, Chandrapur, Tahsil Dabhra, District Janjgir-Champa (C.G.).
3. The New India Insurance Co., through Branch Manager, Branch Sattigudi Chowk, Raigarh (C.G.).

---Respondents

For appellants	:	Shri Ratan Pusty, Advocate.
For respondent No.2	:	Shri S.P.Sahu, Advocate.
For respondent No.3/ Insurance Company	:	Shri Deepak Gupta, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****03/11/2017**

1. Present is an appeal under Section 173 of the Motor Vehicles Act assailing the award dated 28/02/2009 passed by the Additional Motor Accident Claims Tribunal, Sakti in Motor Accident Claim Case No.01/2008.
2. Vide the said impugned award, the Tribunal in a death case under Section 166 of the Motor Vehicle Act has awarded the compensation of Rs.1,32,000/- with interest @ 6% per annum.
3. The appeal is by the claimants and the challenge is on the ground, that the amount of compensation awarded is unreasonably low in as much as the income assessed by the Tribunal is on the lower side and that the multiplier applied is also not in accordance with the principles of law laid down by the Hon'ble Supreme Court in the case of ***Sarla Verma & Ors. Vs. Delhi Transport Corporation & Anr. [2009 {6} SCC 121]***. Further, the income under

future prospects have not been added and the compensation under the conventional head is also on the lower side and prays for the enhancement of the award suitably.

4. The counsel for the Insurance Company however opposing the appeal submits, that the award has been passed taking into consideration the law as was prevailing then and therefore the impugned award cannot be found fault with and the appeal thus deserves to be rejected.

5. Having heard the contentions put forth on either side and on perusal of record, this court is not inclined to accept the contention of the Insurance Company and once when the Supreme Court has laid down the guidelines and principles in the case of Sarla Verma, for all practical reasons, the Tribunal should have applied those principles while quantifying the compensation.

6. The income assessed by the Tribunal was Rs.3,000/-. The deceased in the instant case was running a beetle shop as per the statement of the claimants and they had claimed, that the deceased was earning about Rs.8,000/- per month from the said shop. Though, there is no document to prove the income of the deceased, but under any circumstances, the deceased must have been earning atleast 50% of what has been claimed by the claimants i.e. Rs.4,000/- and therefore this court assesses the monthly income of the deceased at Rs.4,000/- instead of Rs.3,000/- as assessed by the Tribunal. The claimants would also be entitled for 50% of the said amount towards future prospects i.e. Rs.2,000/- which would make the monthly income at Rs.6,000/- and the yearly income at Rs.72,000/-. If half of it is deducted towards personal expenses, the amount would come to Rs.36,000/- which if multiplied by applying multiplier of 18, the amount would become Rs.6,48,000/-. It is ordered accordingly, that the claimants shall be entitled for the compensation of Rs.6,48,000/- towards loss of dependency.

7. So far as compensation under the conventional head is concerned, this court is of the opinion, that ends of justice would meet if a lump sum compensation of Rs.52,000/- is awarded under this head to make the total

compensation at Rs.7,00,000/-. Thus, the claimants shall be entitled for total compensation of Rs.7,00,000/- instead of Rs.1,32,000/- as awarded by the Tribunal. The said enhanced amount shall also carry interest at the same rate as awarded by the Tribunal.

8. The appeal thus stands allowed and disposed off.

Sumit

**Sd/-
(P. Sam Koshy)
Judge**