

AFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MAC No. 1473 of 2017**

National Insurance Company Limited Branch Office No. 1, Bhutani Complex, G. E. Road, Power House, Bhilai, Tahsil And District Durg, Chhattisgarh. Through Its Divisional Manager, Divisional Office Aakashganga, Supela, Bhilai, District Durg, Chhattisgarh.

---- Appellant**Versus**

1. Padma Bai Rajput Wd/o Late Shri Bhola Singh Rajput, Aged About 46 Years
2. Khud Bahar Singh @ Aashish Singh, S/o Late Shri Bhola Singh Rajput, Aged About 23 Years
3. Ku. Sandhya Rajput, D/o Late Shri Bhola Singh Rajput, Aged About 21 Years
4. Ku. Bharti Rajput, D/o Late Shri Bhola Singh Rajput, Aged About 19 Years
5. Smt. Karuna Bai Rajput, Wd/o Dashrath Singh, Aged About 72 Years
All are R/o Village Bundeli, P. S. Dhamdha, District Durg, Chhattisgarh.
Halmukam Sikshak Nagar, Devkar, P. S. Saja, District Bemetara, Chhattisgarh.
6. Smt. Anchal Rajput, W/o Shri Ashish Rajput, Aged About 27 Years
R/o Village Sonapander, P. S. Parpodi, District Bemetara, Chhattisgarh.
7. Kripashankar Bajpai, S/o Kedarnath Bajpai, Aged About 60 Years
R/o Khursipar, Sector 11, Khursipar, Bhilai, District Durg, Chhattisgarh.
8. M/s Atul Gases, Address 78 B , Industrial Estate Bhilai, District Durg, Chhattisgarh.

----Respondents

For Appellant	:	Mr. Dashrath Gupta, Advocate
For respective Respondents	:	Mr. Dinesh Tiwari, Advocate

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

1. Heard on I.A. No.1, which is an application for condonation of delay.
For the reasons assigned in the application and finding them to be satisfactory, I.A. No.1 is allowed and delay of 11 days in filing the

appeal stands condoned.

2. Present is an appeal by the Insurance Company under Section 173 of the Motor Vehicles Act challenging the award dated 21.07.2017, whereby the 1st Additional Motor Accident Claims Tribunal, Durg, Chhattisgarh, in Claim Case No.243/2015 has in a death case under Section 166 of Motor Vehicles Act has awarded a compensation of Rs.55,58,873/-.
3. The primarily contention of challenge in the present appeal is that the Tribunal has wrongly assessed the compensation for future prospects @15%, while the quantifying the compensation. The further is ground is that the rate of interest awarded is also on the higher side.
4. A perusal of the record shows that the deceased in the instant case namely Bholu Singh was an Upper Division Teacher under the Government of Chhattisgarh and was thus a salaried employee getting a salary of almost more than Rs.5,00,000/- annually.
5. Considering the recent Larger Bench's decision of the Hon'ble Supreme Court in the case of "National Insurance Company Limited vs. Pranay Setthy and Others" decided on 31.10.2017, in Civil Appeal No. 25590/2014, this Court is of the opinion that the grounds raised by the appellant in adding of 15% towards future prospects in respect of a deceased who is aged more than 50 years is not sustainable and the ground so raised by the appellant stands negated.

6. So far as the interest part is also concerned, the Tribunal has only awarded the interest @ 9%. Considering the facts and circumstances of the case and also taking into consideration the year in which the claim application was filed, this Court does not find any strong case made out by the Insurance Company to interfere with the rate of interest awarded.
7. Thus, the appeal thus fails and is accordingly rejected.

Sd/-
(P. Sam Koshy)
Judge

Ved