

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1673 of 2017

Kheduram Tandon S/o Late Babu Ram Tandon Aged About 30 Years
R/o Village Kuhera, Police Station Mandir Hasaud, Tahsil & District
Raipur Chhattisgarh.

---- Appellant

Versus

1. Smt. Triveni Bai W/o Late Shobhit Ram Sahu Aged About 32 Years
2. Tara Chand Sahu S/o Late Shobhit Ram Sahu Aged About 16 Years
3. Ku. Nomin Bai Sahu D/o Late Shobhit Ram Sahu Aged About 13 Years
4. Ku. Aarti Sahu D/o Late Shobhit Ram Sahu Aged About 10 Years

(The Respondent No.2 to 4 are Minor whose Natural Guardian is Mother the Respondent No.1)

All are R/o Village Birbira, Police Station & Tahsil Aarang, District
Raipur Chhattisgarh.

---Respondents

For Appellant	:	Mr. B.L. Sahu, Advocate
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Hon'ble Shri Justice P. Sam Koshy

Order on Board

08/12/2017

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 02 days in filing the appeal stands condoned.
2. Present is an appeal by the Owner under Section 173 of the Motor Vehicles Act assailing the award dated 17.08.2017, passed by the 3rd Additional Motor Accident Claims Tribunal, Raipur, Chhattisgarh, in Claim Case No. 12/2013. Vide the impugned award the Tribunal in a death case has awarded a compensation of Rs.7,35,000/- with interest @ 7.5% per annum.
3. The challenge to the present appeal is to the quantum of the compensation. According to the counsel for the appellant, the quantum assessed by the Tribunal is on the higher side in as much

as both the income and the multiplier applied also is on the higher side and the same deserves to be suitably enhanced.

4. He further submits that the compensation under the conventional head also paid is on the higher side and prayed for the modification of the award suitably.
5. Having heard the counsel for the appellant and on perusal of the record, undisputedly, the accident that took place on 19.05.2012. The deceased in the instant case Shobhit Ram aged around 38 years was travelling on a bicycle when he was hit by the motorcycle bearing registration No. CG-04-DK-5439 owned and driven by the present appellant. As a result of the accident, the deceased died after about 7 days of hospitalized treatment. In the year 2012, the minimum income of an unskilled labour also would have been more than Rs.4,500-6,000/- a month and in the instant case the Tribunal has assessed the income at only Rs.4,000/-. Thus, the same cannot be said to be in any manner excessive or exorbitant. So far as the age of the deceased is concerned, it has been assessed by the Tribunal as 38 years. There is no evidence adduced by the present appellant giving a different age of the deceased. Further, taking into considering the age of the Claimants particularly the three minor children, this Court does not find the compensation under the conventional head awarded also to be on the higher side.
6. Given the facts and circumstances of the case, this Court does not find any strong case made out for interference with the impugned award. The appeal fails and is accordingly rejected.

Sd/-
(P. Sam Koshy)
Judge