

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR
MAC No. 392 of 2014

1. Harshverdhan Banchore And Ors. S/o Brij Lal Banchore Aged About 51 Years
2. Ku. Monika Banchore D/o Harshverdhan Banchore Aged About 21 Years
3. Ku. Minal Banchore (wrongly mentioned Manil Banchore) D/o Harshverdhan Banchore Aged About 18 Years
 All R/o Tatyapara Chowk, Raipur, Tah. Raipur, P.S. D.D. Nagar, Raipur, Distt. Raipur C.G.

---- Appellants

Versus

1. Rasil Singh And Ors. S/o Singara Singh R/o C.G.R. Transport, Ring Road No. 01, Tatibandh, P.S. Amanaka, Raipur, Tah. And Distt. Raipur C.G.
2. Mahinder Singh S/o Sardar Hardayal Singh R/o C.G.R. Transport, Ring Road No. 1, Tatibandh, P.S. Amanaka, Raipur, Tah. And Distt. Raipur C.G.
3. I.C.I.C.I. Lombard General Insurance Co.Ltd. Thru- Branch Manager, Branch Office, Lal Ganga Shopping Mall, G.E. Road, Raipur, Distt. Raipur C.G.
4. Mukesh Kumar S/o Umend Ram Aged About 21 Years R/o Village & Post-Nawagaon, Tah. Dongargarh, Distt. Rajnandgaon C.G.
5. Mohammad Vakil Ahmad S/o Mohammad Nawab Ahmad R/o 5/1, Ispat Nagar, Risali Sector, Bhilai, Distt. Durg C.G.
6. The National Insurance Co.Ltd. Thru- Divisional Manager, Divisional Office, Mobin Mahal, G.E. Road, Raipur C.G.

---- Respondents

For Appellants	:	Shri Pawan Kesharwani, Advocate.
For respondents No.3	:	Shri Sourabh Sharma, Advocate.

SB: Hon'ble Shri Justice P. Sam Koshy
Order On Board

08/08/2017

1. This is claimant's appeal under Section 173 of the Motor Vehicles Act seeking enhancement of compensation against the award dated 09.05.2013 passed by the 5th Additional Motor Accident Claims Tribunal, Raipur (in short, the Tribunal) in Claim Case No.11/2013. Vide the impugned award, the Tribunal in a death case has awarded total compensation of Rs.15,56,400/- along with interest @ 6 percent per annum from the date of application.

2. Learned counsel for the claimants after arguing for sometime restricted his claim for enhancement of the compensation awarded under the conventional heads. According to claimants, it is a case where the accident arose in the year, 2008 and the deceased was a government Teacher at the time of accident; the deceased left behind the Husband and two young daughters and the compensation paid to the claimants under the conventional head was only Rs.5000/- each for loss of love and affection and also for loss of estate. Likewise, for funeral expenses also an amount of Rs.5000/- was granted. Thus, total amount of compensation under these conventional heads was only Rs.15,000/-. According to claimants, this amount awarded is definitely too meager an amount considering the status of the deceased as also the period of accident and thus, prayed for compensation to be enhanced suitably.
3. Learned counsel appearing for the insurance company opposing the appeal submits that the award passed by the Tribunal is just and reasonable and the same has been passed taking into consideration the entire factual matrix of the case particularly the total amount of compensation otherwise awarded to the claimants. Therefore, there is no scope of interference and the appeal deserves to be rejected.
4. Having heard the rival contentions put forth on either side and on perusal of record, taking into consideration the recent decisions of the Supreme Court starting from the landmark decision in case of Sarla Verma & Ors. Vs. Delhi Transport Corporation & Anr. 2009 (6) SCC 121 till the judgment in case of Rajesh & Ors. Vs. Rajbir Singh & Anr.

2013(9) SCC 54, if we take note of the compensation awarded by the Tribunal under the other heads, it clearly would show it to be on the lower side and the same accordingly deserves to be and is hereby enhanced by a lump sum compensation under the head of loss of love and affection and loss of estate at Rs.1,00,000/- instead of Rs.10,000/- as has been awarded by the Tribunal.

5. Likewise, the amount awarded under the head funeral expenses by the Tribunal also seems to be on the lower side and the same deserves to be and is accordingly enhanced to Rs.25,000/- instead of Rs.5,000/- as awarded by the Tribunal.
6. Thus, the appellants shall now be entitled for enhanced amount of Rs.1,10,000/- under the conventional heads to be paid by the respondents jointly and severally as has been decided by the Tribunal. It is also ordered that the above enhanced amount i.e. 1,10,000/-payable to the claimants shall also carry interest at the same rate what has been awarded by the Tribunal.

Sd/-
(P. Sam Koshy)
Judge

inder