

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MAC No. 704 of 2010**

Kumari Rooma Baroi, Aged about 26 years, D/o. Shri Jyotishchandra Baroi, R/o. Awas No.141, Shanti Nagar, Behind Housing Board Colony, Balconagar, Police Station Balconagar, Tahsil and District Korba Chhattisgarh

---- Appellant**Versus**

1. Budhdeswar Shrivastava, Aged about 50 years, S/o. Late Shri Lalji Shrivastava, Address Purani Basti, Korba, Present Address Navin Trading In front of Shiv Mandir, Power House Road, Korba, Police Station Korba, Tahsil and District Korba Chhattisgarh (Driver)
2. Shri Umesh Kumar Agrawal, Aged about 43 years, S/o. Late Shri Sitaram Agrawal, Address Navin Trading In front of Shiv Mandir, Power House Road, Korba, Police Station Korba, Tahsil and District Korba Chhattisgarh (Owner)
3. United India Insurance Company Limited, Through: its Branch Manager, Address R.B. Traders, First Floor, Stadium Marg, Transport Nagar, Korba, Tahsil and District Korba Chhattisgarh (Insurer)

----Respondents

For Appellant	:	Mr. Malay Kumar Bhaduri, Advocate
For Respondent No.1	:	Mr. Shiv Kumar Shrivastava, Advocate on behalf of Mr. Ravish Verma, Advocate
For Respondent No.3	:	Mr. Dashrath Gupta, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****14/11/2017**

1. Challenge in the present appeal is the award dated 14.12.2009, passed by the 2nd Additional Motor Accident Claims Tribunal, (FTC) Korba, Chhattisgarh, in C.T. No. 184/2007.
2. Present is an appeal by the Claimant seeking for enhancement of the compensation whereby in an injury case under Section 166 of the Motor Vehicles Act the Tribunal has awarded a compensation of Rs.10,00,000/-.

3. The contention of the counsel for the appellant is that the income assessed is on the lower side. The Tribunal has also not properly granted sufficient compensation for the pain and suffering and mental agony, which the Claimant is undergoing. In addition, there is a compensation under the loss of amenities also not being awarded and thus prayed for suitable enhancement of the compensation.
4. Mr. Dashrath Gupta appearing for the Insurance Company opposing the appeal submits that the award passed by the Tribunal has taken care of all the heads under which compensation could have been awarded and the same is just and reasonable and therefore the appeal deserves to be rejected.
5. Having considered the contentions put forth on either side, if we peruse the record what reflect is that the Tribunal has assessed the income of deceased at Rs.3750/- considering the facts that she was working as a teacher in a private school, this Court has no hesitation in reaching to the conclusion that in the year 2007 when the accident took place, the teacher under any circumstances in any school would had been getting a minimum of Rs.5,000/- and therefore this Court assesses the monthly income of the deceased at Rs.5,000/- and proceeds to decide the appeal suitably.
6. Accepting Rs.5,000/- as the monthly income, the yearly income would be Rs.60,000/-, which if multiplied applying the multiplier of 17, the amount would come to Rs.10,20,000/-. Thus, it is held that the Claimant shall be entitled for loss of income at Rs.10,20,000/-. In addition, she would also be entitled for the expenditure, which she

had already incurred in the course of her treatment of Rs.1,43,500/- as awarded by the Tribunal. Further, the award of Rs.21,100/- towards the local transportation also is ordered to be remain intact.

7. So far as mental agony/pain and suffering is concerned, considering the nature of injury, which the appellant has sustained, particularly the fracture of her spinal card and with which she has become immobile and is confined to bed, this Court awards a compensation of Rs.1,50,000/- under this head.
8. Likewise, for the future medical treatment also this Court awards an amount of Rs.63,400/- and for the loss of amenities particularly the fact that the claimant was a unmarried girl aged around 27 years, this Court awards a compensation of Rs.1,00,000/- for the loss of amenities in life. Thus, the total compensation payable to the Claimant becomes Rs.15,00,000/- instead of Rs.10,00,000/- as assessed by the Tribunal.
9. The said enhanced amount shall also carry interest at the same rate as has been assessed by the Tribunal.
10. The appeal stands allowed and disposed of.

Sd/-
(P. Sam Koshy)
Judge