

HIGH COURT of CHHATTISGARH, BILASPUR**MAC No. 1193 of 2014**

Lawrance Kumar Madhukar S/o Late Madhukar Mathews Aged About 40 Years R/o Samta Colony, Magarpara, Bilaspur, Post- Bilaspur, P.S. Civil Lines, Bilaspur, Tah. And Distt. Bilaspur C.G.

---- Appellant

Versus

1. Smt. Meena Singh W/o Dinesh Singh Aged About 40 Years R/o M.I.G. 01, H. No. 95, Yadunandan Nagar, Tifra, P.O. Tifra, P.S. Civil Lines, Bilaspur, Tah. And Distt. Bilaspur C.G.
2. Dayashankar Singh S/o Sudama Singh Aged About 34 Years R/o Railway Colony, Dallirajhara, P.O. And P.S. Dallirajhara, Distt. Durg (Now Distt. Balod) C.G.
3. The National Insurance Co.Ltd. Through Branch Manager, Branch Office, The National Insu.Co.Ltd., Branch Office- Bilaspur, Vyapar Vihar Road, Near Ageya Nagar, P.O. Bilaspur, P.S. Civil Lines, Bilaspur, Distt. Bilaspur C.G.
4. Chholan Das S/o Alku Das Aged About 40 Years R/o Rahangi, P.O. and P.S. Hirri, Distt. Bilaspur C.G.
5. Ashok Kumar Nathani S/o Late Aalam Chand Nathani Aged About 52 Years R/o Chakarbhata, Main Road, P.O. And P.S. Chakarbhata, Tah. And Distt. Bilaspur C.G.
6. The New India Insurance Co. Ltd. Through - Branch Manager, Branch Office- Infront Of Rajiv Plaza, Bus Stand, P.O. Bilaspur, P.S. Tarbahar, Bilaspur, Distt. Bilaspur C.G.
7. Smt. Fundani @ Sabina Minj W/o Late Virsai Minj Aged About 62 Years R/o Chalaha, Distt. Raigarh C.G.

---- Respondents

For Appellant	:	Shri AL Singroul, Advocate.
For respondent No.1	:	Shri GVK Rao, Advocate.
For respondent No.3	:	Shri Shivendu Pandya, Advocate.
For respondent No.6	:	Shri Raj Awasthi, Advocate, under instruction of Shri Anand Gupta, Advocate.

SB: Hon'ble Shri Justice P. Sam Koshy

Judgment On Board

11.10.2017.

1. The present is an appeal filed by the claimant seeking enhancement of compensation under Section 173 of the Motor Vehicles Act (for short, the MV Act) against the award dated 20.08.2014 passed by the Motor

Accident Claims Tribunal, Bilaspur (for short, the Tribunal) in Claim Case No.225 of 2009. Vide the said impugned award, the Tribunal in a claim application filed under Section 166 of the MV Act have awarded compensation of Rs.7,26,260/- along with interest @ 6 percent per annum from the date of application.

2. Learned counsel appearing for the appellant submits that the compensation awarded is on lower side inasmuch as the Tribunal has not taken into consideration the future prospects while quantifying the compensation. Likewise, the compensation under conventional heads are also on lower side. Further, the deduction towards personal expenses ought to have been 1/3rd in place of 50 percent; the multiplier applied is also on the lower side, and therefore, prayed for the amount of compensation to be suitably modified or enhanced.
3. Counsel for the insurance company however opposing the appeal submits that the award passed by the Tribunal seems to be fair and reasonable considering the entire facts and circumstances of the case.
4. Having heard the rival contentions put forth on either side what cannot be brushed aside is the fact that deceased Shanti Madhukar, aged around 38-39 years, met with an accidental death on 20.09.2008. The claimant is the Husband of the deceased. The deceased was a government employee inasmuch as she was working as Rural Agricultural Development Officer and posted at Durg at the time of accident. She was getting gross monthly salary of Rs.12,541/-of which after making necessary deductions, Rs.1,41,252/- was assessed as yearly income of the deceased.

5. So far as future prospects is concerned, this court has no hesitation in reaching to the conclusion that consideration of future prospects while quantifying the compensation becomes part and parcel of the award passed by the Tribunals in view of a catena of decisions of Supreme Court starting from the landmark judgment in the case of Sarla Verma and Ors. Vs. Delhi Transport Corporation & Anr. 2009 (6) SCC 121 and all subsequent decisions.
6. Thus, accepting the yearly income of Rs.1,41,252/- of which if 50 percent is added towards future prospects, the amount would come to Rs.2,11,878/- of which if 1/3rd is ordered to be deducted towards personal expenses in view of judgment of Sarla Verma (Supra) so also in case of Amrit Bhanu Shali & Ors. Vs. National Insurance Co.Ltd. & Ors. 2012(11)SCC 738, as the deceased was a married lady, the amount would come to Rs.1,41,252/-which if multiplied by applying the multiplier of 15 in place of 10 as applied by the Tribunal, the amount would reach to Rs.21,18,780/-. Thus, it is ordered accordingly that the claimant shall be entitled for Rs.21,18,780/- for loss of dependency.
7. So far as compensation under conventional heads are concerned, keeping in view the decision of the Supreme Court in case of Rajesh & Ors. Vs. Rajbir Singh & Ors.2013(9) SCC 54, this court is of the opinion that ends of justice would meet if a lump sum compensation of Rs.1,00,000/- is awarded to the claimant. Thus, the total compensation payable to the claimant would become Rs.22,18,780/- which for calculation convenience is Rounded off at Rs.22,20,000/- instead of Rs.7,26,260/-. It is ordered accordingly.

8. The said enhanced amount of compensation shall also carry interest at the same rate as awarded by the Tribunal.
9. Accordingly, the appeal of the claimant stands allowed and disposed off.

Sd/-
(P.Sam Koshy)
Judge

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