

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 549 of 2008

The Oriental Insurance Company Limited, through: the Divisional Manager, The Oriental Insurance Company Limited, Rama Trade Center, Opposite Rajeev Plaza, Near Bus Stand, Bilaspur, Chhattisgarh

---- Appellant

Versus

1. Ku. Brihashpati Bai, D/o. Late Devprasad @ Kiding, Aged 17 years,
2. Ku. Sati Savitri, D/o. Late Devprasad @ Kiding, Aged 14 years,
3. Anjori Lal, S/o. Late Devprasad @ Kiding, Aged 12 years,
4. Mukesh Kumar, S/o. Late Devprasad @ Kiding, Aged 10 years,
5. Dinesh Kumar, S/o. Late Devprasad @ Kiding, Aged 06 years,
6. Smt. Lalmati, W/o. Phirturam Mahilange, Aged about 65 years,
All are R/o. Village Luthra, Police Station Seepat, District Bilaspur Chhattisgarh
7. Shakil Khan, S/o. Allauddin Khan, R/o. Village and Post Luthra Sharif, Police Station Seepat, District Bilaspur Chhattisgarh
8. Ramesh Bhardhwaj, R/o. Through Daimond Road Line, G.O. No.108, Truck Terminal Road No.5, Klamboli, Th. Pnawel, District Raigarh Chhattisgarh

---Respondents

MAC No. 1213 of 2008

The Oriental Insurance Company Limited, Through: Divisional Manager, The Oriental Insurance Company Limited, Bilaspur, Rama Trade Center, Near Bus Stand, Bilaspur, Chhattisgarh

---- Appellant

Versus

1. Dinesh Kumar Mahilange, S/o. Devprasad @ kidding, aged about 06 years, R/o. Village Luthra, Police Station Seepat, District Bilaspur Chhattisgarh
2. Shakil Khan, S/o. Allauddin Khan, R/o. Village and Post Luthra Sharif, Police Station Seepat, District Bilaspur Chhattisgarh
3. Ramesh Bhardhwaj, R/o. Through Daimond Road Line, G.O. No.108, Truck Terminal Road No.5, Klamboli, Th. Pnawel, District Raigarh Chhattisgarh

----Respondents

For Claimants	:	Mr. Ravi Maheshwari, Advocate
For Insurance Company	:	Mr. Ghanshyam Patel, Advocate under instructions of Mr. Abhishek Sinha, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

08/11/2017

1. These are two appeals arising out of the two awards arising out of the same accident dated 05.12.2007. The impugned awards under challenge are one passed in Claim Case No. 157/2007 and 152/2007, passed by the 1st Additional Motor Accident Claims Tribunal, Bilaspur, Chhattisgarh.
2. Vide two awards, in Claim Case No. 157/2007, which is a death case, the Tribunal has awarded a compensation of Rs.3,75,000/- with interest @ 6% per annum from the date of application and in Claim Case No. 152/2007, which is an injury case, the Tribunal has awarded a compensation of Rs.32,000/- with interest @ 6% per annum.
3. While passing the impugned awards in both the cases, the Tribunal has held that the responsibility of payment of compensation shall be upon the Insurance Company with a liberty to recover the same from the Owner and Driver of the offending vehicle.
4. It is this order of pay and recovery which is under challenge in both these awards by these two appeals. This Court, taking into consideration the decision of the Hon'ble Supreme Court in the case of ***“Manuara Khatun and others vs. Rajesh Kumar Singh and others”***, reported in **2017 (4) SCC 796**, is of the opinion that the present two appeals are squarely covered by the law laid down by the Hon'ble Supreme Court in the aforesaid judgment and therefore this Court does not find any strong case made out calling for an interference with the impugned award.

5. So far as the challenge of the quantum is concerned, this Court does not find the award to be either excessive or exorbitant for any interference on the quantum as well.
6. Thus, in the light of the decision of the Hon'ble Supreme Court in the case of “***Manuara Khatun***” (supra), the present two appeals deserve to be and are accordingly rejected.
7. The Insurance Company is directed to ensure depositing the entire amount of compensation at the earliest before the Tribunal with a liberty to recover the same as per the directions of the Tribunal.

Sd/-
(P. Sam Koshy)
Judge

Ved