

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MAC No. 22 of 2017**

Smt. Anar Devi Mandal W/o Late Harimadhav Mandal, Aged About 50 Years R/o In Front Of Airtel Office Ring Road No.1, Telibandha, Post Office- Raipur, Police Station- Telibandha, Raipur, District Raipur, Chhattisgarh(Claimant).

---- Appellant**Versus**

1. Mohanlal Vishnoi S/o Padmaram Vishnoi, R/o Near Amit Sales, Gali No.2, Fafadih, Raipur, Post Office- Raipur, Police Station- Ganj, Tahsil & District- Raipur, Chhattisgarh(Registered Owner Of Vehicle Truck Bearing Registration No. C.G./04/ D C/5631).
2. The Oriental Insurance Company Limited, Through The Divisional Manager, Divisional Office No.1, Kutchery Chowk, Jail Road, Raipur, Post Office- Raipur, Police Station- Gol Bazar, Raipur, Tahsil & District Raipur, Chhattisgarh(Insurer Of Vehicle Truck Bearing Registration No. C.G./04/ D C/5631).

---- Respondents

For Appellant	:	Shri Shivendu Pandya, Advocate.
For respondent No.2	:	Shri HP Agrawal, Advocate.

SB: Hon'ble Shri Justice P. Sam Koshy**Order On Board****18/07/2017**

1. This is claimant's appeal under Section 173 of the Motor Vehicles Act (in short, MV Act) seeking enhancement of compensation against the award dated 12.09.2016 passed by the 8th Additional Motor Accident Claims Tribunal, Raipur (in short, the Tribunal) in Claim Case No.633/2015. Vide the impugned award, the Tribunal in a proceeding under Section 163-A of the Motor Vehicles Act, have allowed the claim application and have ordered for compensation of

Rs.4,45,000/- to the claimants. It is this award which is under challenge in this appeal seeking for enhancement.

2. The only ground which the appellant has raised is with regard to non inclusion of the future prospects while quantifying the compensation. He further submits that compensation ought to have been quantified taking into account the future prospects also and prayed for the award to be modified suitably.
3. Learned counsel for the respondent-insurance company however opposes the appeal and submits that the Tribunal otherwise has granted sufficient compensation to the claimant and that the award of compensation applying the deduction of 1/3rd itself was not proper. It should had been 50 percent considering the fact that the claimant was mother of the deceased. Thus, prayed for rejection of the appeal.
4. Having considered the rival contentions put forth on either side and on perusal of records, what is undisputed is that the claim application filed was one under Section 163-A of the MV Act. So far as claim under Section 163-A of MV Act is concerned, it is by now well settled principle of law that compensation under Section 163-A of the MV Act has to be strictly in accordance with Schedule-II of the MV Act.
5. If we peruse the amount awarded, it clearly reflects that the award has been passed fully in accordance with the Schedule of the MV Act. Since the compensation is found to be fully in accordance with the Schedule prescribed under the MV Act, this court does not find any strong case made out for interfering with the compensation

granted.

6. In view of the same, the appeal being devoid of merit, the same deserves to be and is hereby dismissed.

Sd/-
(P. Sam Koshy)
Judge

inder