

HIGH COURT of CHHATTISGARH, BILASPUR**MAC No. 921 of 2017**

Magma H. D. I. General Insurance Co. Ltd. Through Officer In Charge, House No. 3, Ground Floor, Chiruldihi Ward Raipur In Front Of Rajkumar College, Thana Amanaka, District Raipur, At Present Fifth Floor, Dainik Bhaskar Complex, Rajbandha Maidan, Police Station Maudahapara, Civil And Revenue District Raipur, Chhattisgarh(Insurer Of Vehicle No. C.G.07 C A 3556).

---- Appellant**Versus**

1. Harihar Singh S/o Late Chhetrapal Singh Thakur, Aged About 48 Years
2. Smt. Lakhanbai W/o Shri Harihar Singh Thakur, Aged About 47 Years
3. Ku. Kusumlata D/o Shri Harihar Singh Thakur, Aged About 12 Years
Respondent No.3 Minor Through He Father Harihar Singh Thakur,
All R/o Village Paragon, Post Office And Thana Arang, District Raipur,
Chhattisgarh(Claimants)
4. Angad Kumar S/o Dashrath Sahu, C/o Srimati Jamila Begam, W/o Moheruddin, House No. 144, Dhancha Bhawan, Sundar Vihar, Chopda Colony, Bhilai, Bhilai-3, District Durg, Chhattisgarh(Driver Of Vehicle No. C.G.07 C A 3556)
5. Srimati Jamila Begam W/o Moheruddin, House No. 144, Dhancha Bhawan, Sundar Vihar, Chopda Colony, Bhilai, Bhilai-3, District Durg, Chhattisgarh(Owner Of Vehicle No. C.G.07 C A 3556)
6. Rameshwar Sahu S/o Narayan Sahu, R/o Pragati Nagar, Bhilai, District Durg, Chhattisgarh(Registered Owner Of Vehicle No. C.G.07 C A 3556).

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For Appellant	:	Shri Rohitashva Singh, Advocate.
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SB: Hon'ble Shri Justice P. Sam Koshy**Judgment On Board****25.09.2017.**

1. The present is an appeal under Section 173 of the Motor Vehicles Act against the award dated 08.03.2017 passed by the 4th Additional Motor Accident Claims Tribunal, Raipur, in Claim Case No.660/2014. Vide the said impugned award, the Tribunal in a proceeding under Section 166 of MV Act has awarded compensation of Rs.7,18,500/- along with interest @ 9 percent per annum from the date of

application in a death case.

2. The present is an appeal by the insurance company assailing the quantum of compensation awarded. The contention of insurance company is that the multiplier applied by the Tribunal as well as consideration of future prospects while quantifying the compensation are erroneous and the same deserve to be reduced from the compensation awarded. He relies upon the decision of Supreme Court in case of Chikkamma and Anr. Vs. Parvathamma and Anr., Civil Appeal (S) No.3409 of 2017, decided on 28.02.2017 and recent decision of Delhi High Court in case of Bharati Axa General Insurance Co.Ltd. Vs. Rakesh Arora and Anr., MAC APP. 652/2016 & CM No.30411/2016, decided on 04.09.2017.
3. Having heard the counsel for the appellant and having considered the authoritative decision of Supreme Court starting from landmark judgment in case of Sarla Verma & Ors. Vs. Delhi Transport Corporation and Anr. 2009(6)SCC 121 and all subsequent decisions, this court is of the opinion that neither the multiplier applied by the Tribunal in the instant case can be said to be erroneous nor can the findings of the Tribunal in the light of aforesaid decision be held to be improper or bad in law. In the instant case, it was a death of 25 years old young boy and he was working as a labourer.
4. Accordingly, the appeal being devoid of merit is liable to be and is hereby dismissed.

Sd/-
(P. Sam Koshy)
Judge