

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MAC No. 918 of 2017**

Chaman Lal Sahu S/o Shri Hirachand Sahu, Aged About 35 Years Caste Teli, R/o Village Gotitola, Post Udkuda, Thana & Tahsil Charama Civil & Revenue District North Bastar Kanker, Chhattisgarh(Owner Of Vehicle No. C.G.19 B A 8188).

---- Appellant**Versus**

1. Smt. Rajobai Bhoyar W/o Late Shri Rikhiram Bhoyar, Aged About 40 Years
2. Rakesh Kumar Bhoyar S/o Late Shri Rikhiram Bhoyar, Aged About 18 Years

Both are R/o Village Gotitola, Post Udkuda, Thana & Tahsil Charama Civil & Revenue District North Bastar Kanker, Chhattisgarh.

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For Appellant	:	Shri Sunil Sahu and Shri Sumit Shrivastava, Advocates.
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SB: Hon'ble Shri Justice P. Sam Koshy**Order On Board****04/07/2017**

1. The present petition has been filed against the award dated 08.03.2017 passed by the Motor Accident Claims Tribunal, Kanker (in short, the Tribunal) in Claim Case No.8 of 2016. Vide the said award, the Tribunal considering the facts and circumstances of the case has awarded an amount of Rs. 6,80,200/- to the claimants as compensation on account of death of Rikhi Ram, labourer, aged about 45 years, along with interest @ 6 percent per annum from the date of application.
2. The ground of challenge in the present appeal as per the appellant is granting of 30 percent of future rise in income of the deceased.

3. What reflects from the perusal of award is the admitted fact that the deceased was an employee of the present appellant and that on the fateful day i.e. on 08.09.2015 he was sitting on the back of the motorcycle which was being driven by the present appellant when he met with an accident resulting in his death. Likewise, a perusal of record it also reflects that the Tribunal has taken the wages of the deceased as Rs.150/- per day i.e. Rs.4500/- per month for the purpose of calculating the compensation and based upon this monthly income of Rs.4500/-, future rise of income of 30 percent was also calculated. When it is not disputed that the deceased was working as Labour, it is any body's guess that he would be earning more than 150/- per day in future. Thus, if the Tribunal has taken per day income of Rs.150/-, it cannot be said to be unreasonable. Further, in times to come, it is also natural phenomena that there would definitely be rise in the income of the deceased in his wages. Therefore, if the Tribunal again has taken 30 percent as rise in future income for the purpose of calculating the compensation, this also cannot be said to be unreasonable or contrary to the provisions of law.
4. Thus, this court does not find any perversity or illegality to have been committed by the Tribunal while passing the award impugned. Accordingly, the appeal fails. The same deserves to be and is hereby dismissed.

Sd/-
(P.Sam Koshy)
Judge