NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Misc. Appeal (C) No.1127 of 2016

1. Smt. Devkibai Tiwari, wife of late Laxman Prasad Tiwari, aged about 55 years,

2. Devsharan, S/o late Laxman Prasad Tiwari, aged about 32 years,

   Both R/o Village Khallari, Thana Bhimkhoj, Tahsil/District Mahasamund (C.G.)

(Claimants)
---- Appellants

Versus

1. Kailash Singh, S/o Mangal Singh, aged about 23 years, R/o Village Pacheda, Thana Bhimkhoj, Tahsil/District Mahasamund (C.G.)
   (Owner & Driver Pickup No.CG-06/M-0810)

2. TATA A.I.G. Insurance Company Limited, through Divisional Manager, Divisional Office, Lal Ganga Shopping Mall Complex, Second Floor, G.E. Road, Raipur, District Raipur (C.G.)
   (Insurer Pickup No.CG-06/M-0810)

---- Respondents

For Appellants:	Mr. Vikas Pradhan, Advocate.
For Respondent No.2:	Mr. Ghanshyam Patel, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

19/07/2017

1. This is quantum appeal under Section 173 of the Motor Vehicles Act by the claimants for enhancement of amount under award.

2. Learned Claims Tribunal for the death of deceased Laxman, aged about 63 years, holding his income ₹ 4,500/- per month, deducting ⅓ towards personal expenses which comes out to ₹ 3,000/- per month thereby ₹ 36,000/- per year and applying the multiplier of 5, awarded compensation of ₹ 1,80,000/-, adding ₹ 25,000/- towards funeral expenses, ₹ 10,000/- towards loss of consortium of husband and ₹ 5,000/- towards loss of consortium of father, a total compensation of ₹

2,20,000/- has been granted along with 9% interest per annum against which this appeal has been preferred.

3. Learned counsel for the claimants/appellants submits that the award is in lower side.

4. Learned counsel for the Insurance Company/respondent No.2 submits that the award is just and proper.

5. After hearing learned counsel for the parties and taking into account the evidence available on record, I consider that the appropriate multiplier would be 7. By applying the multiplier of 7 on the annual income of the deceased i.e. ₹ 36,000/-, the compensation works out to ₹ 2,52,000/-. In addition to this, the claimants are also entitled to an amount of ₹ 1,00,000/- under all other conventional heads. Thus, the total compensation works out to ₹ 3,52,000/-. After deducting the amount of ₹ 2,20,000/- awarded by the Claims Tribunal, the enhanced amount of compensation would be ₹ 1,32,000/-. The respondent Insurance Company is directed to deposit the enhanced amount of compensation within 2 months from today along with 9% interest, as ordered by the Claims Tribunal, from the date of application.

6. The appeal is allowed to the extent indicated herein-above. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Soma