

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**REVP No. 109 of 2017**

Oriental Insurance Company Ltd. Through Divisional Manager
Divisional Office-1 Kachehari Chowk Jail Road Raipur Distt. Raipur,
Chhattisgarh

---- Petitioner**Versus**

1. Smt. Meera Bai Sahu W/o Late Suman Kumar Sahu, Aged About 33 Years
 2. Kumari Hemlata Sahu D/o Late Suman Kumar Sahu, Aged About 17 Years
 3. Kumari Jagriti Sahu D/o Late Suman Kumar Sahu, Aged About 15 Years
 4. Dinesh Kumar Sahu S/o Late Suman Kumar Sahu, Aged About 13 Years
 5. Smt. Krishna Bai W/o Bhuwan Lal Sahu, Aged About 58 Years
 6. Bhuwan Lal Sahu S/o Late Pitamber Sahu, Aged About 62 Years
- Respondents No.2 to 4 are Minor Through Legal Guardian Mother
Smt. Meera Sahu, W/o Late Suman Kumar Sahu,
All are R/o Mahamayapara Aarang Tahsil Aarang Distt. Raipur,
Chhattisgarh
7. Baldev Prasad Upadhyay S/o Rudra Prasad Upadhyay Aged About 50 Years Occupation Driver, R/o Village Chhota Ashok Nagar Gudhiyari, Thana And Post Gudhiyari, District Raipur, Chhattisgarh.
 8. Praween Gupta S/o P. K. Gupta Aged About 60 Years R/o Village Paterapali, Transport Nagar, Raigarh, Presently Address- Tirupati Transport Tatibandh, Thana Amanaka, District Raipur, Chhattisgarh

----Respondents

For Appellant	:	Mr. Pankaj Agrawal, Advocate
For respective Respondents	:	Mr. A.L. Singroul, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****01/11/2017**

1. Heard on I.A. No.1, which is an application for condonation of delay.

For the reasons assigned in the application and finding them to be

satisfactory, I.A. No.1 is allowed and delay of 32 days in filing the

review petition stands condoned.

2. Present review petition has been filed seeking for review of the order dated 06.07.2017, passed by this Court in MAC No. 402/2017.
3. The review has been sought for correction of calculation made in paragraph No. 7 by this Court. According to the counsel for the petitioner, it appears to be an error apparent has crept in the paragraph no.7 of the order, while deducting the personal expenses from the annual income of the deceased.
4. According to the counsel for the appellant this Court has deducted the personal expenses at 1/5th of his income, whereas it ought to had been 1/4th as has been envisaged in the paragraph No. 30 of the judgment of the Hon'ble Supreme Court in case of "**Sarla Verma & Ors vs Delhi Transport Corp. & Anr.**" (2009) 6 SCC 121" which has been reproduced in paragraph no.6 of the impugned judgment.
5. Counsel for the petitioner took the Court to the said paragraph and submits that since the number of Claimants in the instant case was only 6 and as per paragraph no.30 the deduction towards personal expenses would be 1/4th i.e. in cases where the number of family dependents are 4 to 6. This aspect is not disputed by the counsel for the Claimants/respondents.
6. Having considered the contentions put forth on either side and on perusal of record, what clearly reflectes is that Section 30 of the judgment of "Sarla Verma" (supra) categorically states that the deduction towards personal expenses would be 1/4th since the total

number of dependents are 6.

7. Accordingly, this Court is inclined to except the review petition for recalling the order dated 06.07.2007 and modify the same by deducting $\frac{1}{4}^{\text{th}}$ of the income of the deceased towards personal expenses.
8. Accordingly, if $\frac{1}{4}^{\text{th}}$ of the income of the deceased is deducted from Rs.93,600/-, the amount left would be Rs.70,200/-, which if multiplied by applying the multiplier of 14, the amount would come to Rs.9,82,800/-. It is ordered that the Claimants shall be entitled for loss of dependency of an amount of Rs.9,82,800/- instead of Rs.10,48,320/-. Rest of the amount awarded shall remain intact. Thus, the total compensation payable to the Claimants would become to Rs.8,82,800/- instead of Rs.12,46,920/-.
9. The order passed in MAC No. 402/2017 stands modified in accordance to the order passed by this Court in the present review petition. Let copy of this order be made a part of the record of MAC No. 402/2017.

Sd/-
(P. Sam Koshy)
Judge