

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. APPEAL (C) NO. 1233 OF 2010

National Insurance Company Limited, Vyapar Vihar Road, Bilaspur,
through Authorised Signatory, National Insurance Company Limited,
Divisional Office, Bilaspur (C.G.)

... Appellant

versus

1. Chandra Kumar, S/o Bajar Lal Jangde, aged 33 years
2. Santosh Bai, W/o Chandra Kumar Jangde, aged 29 years
Both R/o Village Bandhwa, P.S. Lalpur, District Bilaspur (C.G.)
3. Ramkumar, S/o Santosh Kumar Gupta, aged 27 years, Driver of the
Bolero Vehicle bearing No. CG10-F/7516.
4. Santosh Kumar, S/o Moti Lal Gupta, aged 56 years, Owner of the
Bolero Vehicle bearing No. CG10-F/7516
Both R/o Village Bandhwa, Post Chandeli, P.S. Lalpur, District
Bilaspur (C.G.)

... Respondents

For Appellant	:	Mr. B.N. Nande, Advocate.
For Respondents No. 1 and 2	:	Mr. R.K. Pali, Advocate, under instructions of Mr. P.P. Sahu, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

16/11/2017

1. The present is an appeal under Section 173 of the Motor Vehicles Act, 1988. Assail is to the award dated 27.9.2010 passed by the Second Additional Motor Accident Claims Tribunal (F.T.C.), Mungeli, District Bilaspur, in Claim Case No.83/2009.
2. Vide the impugned award, the learned Tribunal, in a death case, under Section 166 of the Motor Vehicles Act, has awarded a compensation of Rs.2,25,000/- in favour of respondents no. 1 and 2-claimants with interest thereon at the rate of 9% per annum from the date of presentation of the claim application and has fastened the liability for payment of compensation upon the appellant-insurance company indemnifying the respondent no.3-driver and respondent no.4-owner.

3. It is this award which has been assailed by the insurance company in the instant appeal only questioning the quantum of compensation awarded by the Tribunal.

4. Considering the fact that the date of accident in the instant case being 2.9.2009 and the deceased-Ku. Neelu in the instant case being aged about 7 years at the time of accident, this Court has no hesitation in reaching to the conclusion that the award passed by the learned Tribunal is neither exorbitant nor excessive, considering the period of death and the age of the deceased.

5. The appeal thus being devoid of merits deserves to be and is accordingly dismissed.

6. From the record it appears that this Court on 15.12.2010 had directed the appellants in the instant case to deposit the entire award before the Tribunal with a direction that Rs.75,000/- shall be disbursed to the claimants and the balance amount shall remain in deposit with the Tribunal. If the said amount has already been disbursed to the claimants, the balance amount if any remains can also be disbursed to the claimants forthwith.

Sd/-
(P. Sam Koshy)
Judge