

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Misc. Appeal (C) No. 778 of 2013

Dhawal Baghel S/o late Ajay Baghel, aged about 21 years, R/o House No. 59, Gol Chowk, behind Sahnai Garden, Rohinipuram, P.S. D.D. Nagar, Raipur, Tah. and Distt. Raipur, C.G.

---- Appellant

Versus

1. Rasil Singh S/o Singara Singh, Occupation Truck Driver, R/o C.G.R. Transport, Ring Road No. 1, Tatibandh, P.S. Amanaka, Raipur, Tah. and Distt. Raipur, C.G.
2. Mahinder Singh S/o Sardar Hardayal Singh, Occupation Truck owner, R/o C.G.R. Transport, Ring Road No. 1, Tatibandh, P.S. Amanaka, Raipur, Tah. and Distt. Raipur C.G.
3. I.C.I.C.I. Lombard General Insurance Company Ltd. through Branch Manager, Branch Office, Lal Ganga Shopping Mall, G.E. Road, Raipur, Distt. Raipur, C.G.
4. Mukesh Kumar S/o Umend Ram, aged about 21 years, R/o Village & Post-Nawagaon, Tah. Dongargarh, Distt. Rajnandgaon C.G.
5. Mohammad Vakil Ahmad S/o Mohammad Nawab Ahmad R/o 5/1, Ispat Nagar, Risali Sector Bhilai, Distt. Durg, C.G.
6. The National Insurance Company Ltd. through Divisional Manager, Divisional Office, Mobin Mahal, G.E. Road, Raipur C.G.

---- Respondents

For Appellant	:	Shri Pawan Kesharwani, Advocate.
For Respondent no.3	:	Shri Amrito Das, Advocate
For Respondent no.6	:	Shri Anand Ku. Gupta, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

08/08/2017

Present is an appeal under Section 173 of the Motor Vehicles Act preferred by the claimant assailing the award dated 09.05.2013 passed by the 5th Additional Motor Accident Claims Tribunal, Raipur (CG) in Claim Case No. 12 of 2013. Vide the impugned award the Claims Tribunal on an application under Section 166 of the MV Act preferred by the claimant has awarded compensation of Rs.18,29,904/- with interest @ 6% per annum from the date of application.

2. It is a death case where the appellant lost his mother Smt. Surekha Baghel in the accident occurred on 23.05.2008. The challenge by the claimant is on the

ground that the compensation awarded under the other heads is on the lower side. Counsel for the appellant submits that the amount of compensation awarded under the heads of loss of love and affection, loss of estate and also the funeral expenses is extremely low. He submits that considering the judgments of the Supreme Court rendered in recent past, the amount of compensation payable under the other heads deserves to be enhanced.

3. Counsel appearing for the respondent Insurance Companies, however, opposing the appeal submit that the finding of the Tribunal is fair, just and reasonable based upon the evidences which have come on record, therefore, the impugned award does not warrant any interference.

4. Considering the total facts and circumstances of the case particularly taking note of the recent decision of the Supreme Court in the case of **Rajesh and Others vs. Rajbir Singh and others** reported in **(2013) 9 SCC 54**, this Court is of the opinion that ends of justice would meet if the amount of compensation payable under the head of love and affection as also for the loss of estate is enhanced to a lump sum of Rs.1,50,000/- in stead of Rs.10,000/- as awarded by the Tribunal. It is ordered accordingly. Likewise, the amount awarded under the head of funeral expenses is also enhanced to Rs.25,000/- in stead of Rs.5,000/-. Thus, there shall be total enhancement of Rs.1,60,000/- over and above what has already been awarded by the Tribunal. Rest of the award including the interest part as well as the proportion of the share of each of the Insurance Companies shall remain intact.

5. With the aforesaid modification to the impugned award, the appeal stands partly allowed and disposed off.

Sd/-

(P. Sam Koshy)
Judge