

HIGH COURT OF CHHATTISGARH, BILASPUR**MAC No.30 of 2013**

1. Smt. Sunita Bai Wd/o Late Sagar Das Manikpuri, Age 28 years
2. Chandra Prakash S/o Late Sagar Das Manikpuri, Age 15 years
3. Ku.Sangita D/o Late Sagar Das Manikpuri, Age 11 years
4. Ku.Ambika D/o Late Sagar Das Manikpuri, Age 9 years
5. Ku.Akanksha D/o Late Sagar Das Manikpuri,
6. Aman Das S/o Late Sagar Das Manikpuri, Age 4 years
7. Smt. Mana Bai Wd/o Kapoor Das, Age 65 years
- 8.

Appl. No.2 to 6 are minor hence impleaded through their natural guardian Mother i.e. Appellant No.1 Smt. Sunita Bai Wd/o Late Sagar Das Manikpuri, Age 28 years All R/o Near Bhanpuri Talab, Raipur, Distt.Raipur (CG)

---- Appellants

Versus

1. Jit Ram S/o Dayaluram Nishad, Age 34, Through Ganesh Ram Sahu, Behind Jut Mill, Anand Nagar, Bhanpuri, Tah.& Distt.Raipur (CG)
2. Ganesh Ram Sahu S/o D.R.Sahu, Behind Jut Mill, Anand Nagar, Bhanpuri, Tah.&Distt.Raipur (CG)
3. National Insurance Co. Ltd. Through Divisional Manager, In front of Rajbandha Ground, G.E. Road, Raipur, Tah. & Distt.Raipur (CG)

---- Respondents

For Appellants	:	Mr.Amiyakant Tiwari, Advocate
For Respondent No.3	:	Mr.Gautam Khetrapal, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

17/7/2017

1. This is claimants' appeal seeking enhancement of compensation awarded by the Third Additional Motor Accident Claims Tribunal, Raipur (hereinafter called as 'the Tribunal') in Claim Case No.79//2011 vide its award dated 25.8.2012.
2. As against the compensation of ₹ 9,20,000/- claimed by unfortunate wife, son, daughter and mother of deceased-Sagar Das by filing claim petition under Section 166 of the Motor Vehicles Act, 1988 (hereinafter called as 'the Act') for his death in an accident on

27.12.2010, the Tribunal awarded a total sum of ₹ 4,47,000/- to the claimants along with interest @ 6% per annum from the date of filing of claim petition till realisation, against which, this appeal has been filed.

3. Learned counsel for the appellants would submit that compensation awarded to the appellants/claimants is shockingly on lower side and it may be enhanced suitably.
4. On the other hand, learned counsel for respondent No.3 would submit that compensation awarded to the appellants is just and proper and no interference is called for.
5. I have heard learned counsel appearing for the parties, considered their rival submissions made hereinabove and also gone through the record with utmost circumspection.
6. It is not in dispute that the deceased was working as mason. The Tribunal has taken monthly income of the deceased as ₹ 3000/-.
7. After hearing learned counsel appearing for the parties, considering the fact that the deceased was working as mason and also considering the evidence available on record, ₹ 6000/- per month would be appropriate income of the deceased and annual dependency would be ₹ 72000/- and after deducting 1/5th of income of the deceased towards personal expenses, the appellants/claimants' annual dependency would be ₹ 57600/-.
8. By multiplying the claimants' annual dependency of ₹ 57600/- with the multiplier of 16, the amount of compensation on account of loss of dependency would be ₹ 9,21,600/-. Apart from this, the claimants will be entitled for ₹ 1,00,000/- for loss of consortium as per decision of the Supreme Court in the matter of Bhogireddi Varalakshmi and

others Vs. Mani Muthupandi and others¹, ₹ 25,000/- for funeral expenses, ₹ 25,000/- for loss of estate & ₹ 25,000/- for love and affection and thus, the claimants would become entitle for ₹10,96,600/- as compensation in place of ₹ 4,47,000/- as awarded by the Tribunal.

9. For the foregoing reasons, the appeal filed by the claimants for enhancement of compensation is allowed in part. The total compensation of ₹ 4,47,000/- awarded by the Tribunal is enhanced to ₹ 10,96,600/-. The claimants are further entitled to receive ₹ 6,49,600/- over and above the amount awarded by the Tribunal. Enhanced amount of ₹ 6,49,600/- shall carry interest @ 6% per annum from the date of filing of claim petition till realisation. Award is modified to the above extent. Rest of the conditions mentioned in the award shall remain intact.

Sd/-

(Sanjay K. Agrawal)
Judge

B/-