

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Appeal (C) No. 210 of 2013**

1. Smt. Laxmi Devi W/o Late Vishwanath Soni, aged about 55 years R/o Main Chowk, Jashpurnagar, Distt. Jashpur C.G.
2. Jayant Soni @ Yashwant Soni S/o Late Vishwanath Soni, aged about 36 Years R/o Main Chowk, Jashpurnagar, Distt. Jashpur C.G.
3. Smt. Rekha Soni W/o Jayant Soni @ Yashwant Soni aged about 32 Years R/o Main Chowk, Jashpurnagar, Distt. Jashpur C.G.

---- Appellants**Versus**

1. Sunil Kumar Soni S/o late Vishwanath Soni, aged about 30 Years R/o Mani Chowk, Jashpurnagar, Distt. Jashpur C.G.
2. The Oriental Insurance Co. Ltd. local Branch Office Raigarh C.G.

---- Respondents

For Appellants	:	Shri Rishi Mahobia, Advocate
For Respondent No.2	:	Shri R. N. Pusty, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****17/07/2017**

The present is an appeal under Section 173 of the Motor Vehicles Act filed by the claimants challenging the award dated 01.08.2012 passed in Claim Case No. 36/2012 by the Additional Motor Accident Claims Tribunal, Jashpur (CG). Vide the impugned award the Tribunal has granted compensation of Rs.1,30,000/- to the claimants on the death of the deceased Vishwanath Soni.

2. The limited challenge to the impugned award by the claimants is that the multiplier which has been applied by the Tribunal should have been 7 in stead of 5 following the judgment in the case of **Sarla Verma (Smt) and others v. Delhi Transport Corporation and another** reported in **(2009) 6 SCC 121**. Likewise, the payment of compensation under the other heads is also on the lower side as the Tribunal has awarded only Rs.5,000/- towards loss of love and

affection as also Rs.5,000/- for funeral expenses which is also extremely on the lower side and therefore, the same deserves to be enhanced suitably.

3. Counsel for the Insurance Company however opposes the appeal on the ground that considering the age of the deceased to be 65 years old, the finding given by the Tribunal seems to be fair and reasonable and the same does not warrant any interference.

4. Having considered the contentions put forth on either side and on perusal of the award what clearly strikes in the conscious of this Court is that in the landmark judgment of the Supreme Court in the case of Sarla Verma (supra), the multiplier in the case where the deceased is aged about 65 years should be 7 whereas in the instant case the Court below has applied the multiplier of 5. Thus the impugned award stands modified to that extent so far as the multiplier is concerned. Likewise, the compensation of Rs.10,000/- provided under the other heads i.e. loss of love and affection and funeral expenses is also under any circumstances on the lower side. In the recent past, the trend of the Supreme Court in respect of the funeral expenses is that it should be somewhere around 25,000/- whereas the loss of love and affection and consortium is always awarded more than rupees one lakh. Considering the fact that the claimants before this Court are the widow, son and daughter-in-law of the deceased, as a lumpsum compensation on the other heads, this Court quantifies the compensation of Rs.1,50,000/-. As such, the impugned award stands modified to the extent that the loss of income which was assessed at Rs.1,20,000/-, applying the multiplier of 7 gets enhanced to Rs.1,68,000/- and the compensation under the other heads is quantified at Rs.1,50,000/-. The total compensation payable to the claimants would be Rs.3,18,000/- of which the Tribunal has already awarded an amount of Rs.1,30,000/- to the claimants. Thus, the respondent Insurance Company shall pay the enhanced amount of Rs.1,88,000/- to the claimants within a period of two months from the date of receipt of certified copy of this order. The

interest part shall remain 6% as has been awarded by the Tribunal from the date of application.

5. With the aforesaid modification to the impugned award, the present appeal stands allowed.

**Sd/-
(P. Sam Koshy)
JUDGE**