

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1101 of 2014

1. Smt. Chitto Bai W/o Luturam, Aged About 60 Years

2. Smt. Amaso D/o Luturam Aged About 34 Years

Both R/o Village- Navapara, P.S. And Post- Sitapur, Civil & Revenue District Surguja, Chhattisgarh

---- Appellants

Versus

1. Shree Prasad S/o Ujeer Sai R/o Village- Navapara, P.S. And Post-Sitapur, Civil and Revenue District Surguja Chhattisgarh

2. Bajaj Allianz General Insurance Co. Ltd. Raipur, P.S. And Post-Raipur, Civil and Revenue District Raipur Chhattisgarh

---Respondents

For Appellants/Claimants	:	Mr. Manoj Paranjpe, Advocate along with Mr. Anurag Singh, Advocate
For Insurance Company	:	Mr. Ghanshyam Patel, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

07/12/2017

1. Present is a Claimants' appeal under Section 173 of the Motor Vehicles Act. The challenge is to the award dated 19.08.2014, passed by the 2nd Additional Motor Accident Claims Tribunal, Ambikapur, District Surguja, Chhattisgarh in Motor Accident Claim Case No. 106/2013. Vide the said impugned award, the Tribunal in a death case has awarded a compensation of Rs.3,54,000/- with interest @ 6% per annum from the date of application.

2. Counsel for the appellants submits that the deceased in the instant case Karan Sai was a 24 years old young boy and that the income assessed is only Rs.3,000/- and considering the period of accident, the income should had been assessed more than what has been assessed by the Tribunal and the compensation deserves to be suitability enhanced.

3. Counsel for the Insurance Company submits that it is a case where the Insurance Company has been exonerated of its liability and liability has been fastened upon the Owner of the motorcycle involved in the accident i.e. the respondent no.1.
4. Having considered the contentions put forth by the counsel for the appellants and taking note of the findings given by the Tribunal, this Court is of the opinion that the findings arrived at by the Tribunal does not warrant any interference because the finding is based upon the evidence which has been adduced by the Claimants and that the Tribunal taking into consideration the nature of the profession, which the deceased was pursuing and the period of accident has assessed the compensation of Rs.3,000/-, this Court does not find it to be on the lower side and therefore this Court is of the opinion that the compensation awarded seems to be fair and reasonable and thus there does not seems to be any scope of the enhancement of the compensation.
5. The appeal thus fails and is accordingly rejected.

Sd/-
(P. Sam Koshy)
Judge

Ved