

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. APPEAL (C) NO. 179 OF 2016

National Insurance Company Limited, through the Branch Manager, 13 Meenu Complex, Kosabadi, Korba, District Korba (C.G.)

... Appellants

Versus

1. Virishiya Bai, W/o Late Ramnath, aged about 28 years, R/o Village Nonbirra, Police Station- Kartala, District Korba (C.G.)
2. Rudrasen, S/o Late Ramnath, aged about 10 years, minor represented through legal guardian mother Smt. Virshiya Bai, R/o Village Nonbirra, Police Station- Kartala, District Korba (C.G.)
3. Indrasen, S/o Late Ramnath, aged about 8 years, minor represented through legal guardian mother Smt. Virshiya Bai, R/o Village Nonbirra, Police Station- Kartala, District Korba (C.G.)
4. Devmati, W/o Late Mahettar, aged about 60 years, R/o Village Nonbirra, Police Station- Kartala, District Korba (C.G.)

... Respondents

For Appellant : Mr. Goutam Khetrapal, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

28/07/2017

1. The matter today is listed for orders on default as pointed out by the Registry of this Court.
2. Learned Counsel for the Appellant submits that he has already cured the default as pointed out by the Registry of this Court and hence the appeal may be heard on admission.
3. Heard on admission.
4. Challenge in the present appeal is to the award dated 13.8.2015 passed by the Motor Accident Claims Tribunal, Korba, passed in M.A.C. Case No. 50 of 2014.
5. Vide the impugned award, the Tribunal in a proceeding under Section 166 of the Motor Vehicles Act moved on behalf of Respondents No.1 to 4/Claimants, i.e., the widow, children and mother of the deceased namely Ramnath, has awarded a compensation of Rs. 7,39,048/- in favour of the claimants with interest at the rate of 8% per annum thereon.

6. Challenge to the impugned award is to the quantum of compensation decided by the Tribunal. According to the learned Counsel for the Appellant, the amount of compensation granted by the Tribunal under each heads are on higher side including the salary of the deceased which has been taken into account for the purpose of quantifying the compensation.

7. However, the perusal of the record would show that the deceased on the date of accident was aged around 37 years and he was working as a mason. The Tribunal has assessed the yearly income of the deceased as Rs.52,416/-. If we take the yearly income of the deceased as assessed by the Tribunal, the actual per day income of the deceased would come to Rs.144/- a day, which under no stretch of imagination can be said to be unreasonable or exorbitant. Further, the calculation made by the Tribunal for quantifying the compensation by deducting 1/3 towards personal expenses also seems to be on the lower side.

8. Therefore, this Court does not find any strong case made out by the Appellant for admitting the appeal. The appeal thus being devoid of merits the same is accordingly dismissed.

Sd/-
(P. Sam Koshy)
Judge