

HIGH COURT OF CHHATTISGARH, BILASPUR**MAC No.144 of 2013**

1. Bidhul S/o Late Sukti, aged about 45 years, Occupation-Agriculturist
2. Prabhu S/o Bidhul, aged about 12 years, minor through legal guardian & father Bidhul S/o Sukti, aged about 45 years, Occupation-Agriculturist

Both are R/o Village-Gangapur, Tahsil-Lundra, P.S.-Lundra, District-Surguja (CG)

---- Appellants

Versus

1. Vijay Kumar Gupta S/o Shri Ragunath Prasad Gupta, aged about 40 years, Occupation-Truck Owner, R/o Mohalla Gurunanak Ward, Near Joda Peepal, Police Station & Tahsil-Ambikapur, District-Surguja (CG)
2. Baleshwar Ram S/o Huaram Kanwar, aged about 31 years, Occupation-Truck Driver, R/o Village-Umko, Police Station-Kusmi, District-Surguja (CG)
3. The Oriental Insurance Company Limited, through the Regional Manager, Oriental Insurance Company Limited, Office at Manendrgarh Road, Near Banaras Chowk, Ambikapur, District-Surguja (CG)

---- Respondents

For Appellants	:	Mr.Sushil Dubey, Advocate
For Respondent No.3	:	Mr.Raj Awasthy, 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 Second Additional Motor Accident Claims Tribunal, Surguja (Ambikapur) (hereinafter called as 'the Tribunal') in Motor Accident Claim Case No.291/11 vide its award dated 31.10.2012.
2. As against the compensation of ₹ 5,85,000/- claimed by relatives of deceased-Parvati by filing claim petition under Section 166 of the Motor Vehicles Act, 1988 (hereinafter called as 'the Act') for her death in an accident on 29.5.2008, the Tribunal awarded a total sum of ₹ 1,42,000/- 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 appearing 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 labour. The Tribunal has taken notional income of the deceased as ₹ 15000/- and awarded a sum of ₹ 1,42,000/- as compensation by applying the multiplier of 13.
7. After hearing learned counsel appearing for the parties, considering the fact that the deceased was working as labour and also considering the evidence available on record, ₹ 3000/- per month would be appropriate income of the deceased and annual dependency would be ₹ 36000/-. After deducting 1/3rd of income of the deceased towards personal expenses, the appellants/claimants' annual dependency would be ₹ 24,000/- and looking to the age of the deceased, appropriate multiplier would be 14.
8. By multiplying the claimants' annual dependency of ₹ 24,000/- with the multiplier of 14, the amount of compensation on account of loss of dependency would be ₹ 3,36,000/-. 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 and ₹ 25,000/- for love and affection and thus, the claimants would become entitle for ₹ 4,86,000/- as compensation in place of ₹ 1,42,000/- 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 ₹ 1,42,000/- awarded by the Tribunal is enhanced to ₹ 4,86,000/-. The claimants are further entitled to receive ₹ 3,44,000/- over and above the amount awarded by the Tribunal. Enhanced amount of ₹ 3,44,000/- 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/-