NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 669 of 2014

Sri Ram General Insurance Company Limited Maruti Height, Fifth Floor, Mahoba Bazar, Amanaka Raipur C.G.

---- Appellant

Versus

1. Smt.Shyam Bai W/o Late Ramayan Singh Aged About 35 Years
2. Virendra Singh S/o Ramayan Singh Aged About 18 Years
3. Ku. Babita Raj D/o Late Ramayan Singh Aged About 16 Years
4. Ku. Sharita Raj D/o Late Ramayan Singh Aged About 10 Years

   Respondent No.3 & 4 are minor, through their natural guardian mother Smt. Shyam Bai.

   All Respondents No. 1 to 4 are R/o. Room No. 336, Main Road, Jamanipali, Korba C.G.
5. Pramod Nayak S/o Charan Nayak Aged About 24 Years R/o Kushmail, Thana- Ragali, Distt. Jharshukra (Odissa)
6. Moh. Anish Anshari R/o Anshari Steel Tanker Factory 80-Alight Industrial Area, Laxman Nagar, Chawni Bhilai, Distt. Durg C.G.

---- Respondents

For Appellant	:	Mr. Deepak Gupta, Advocate
For Respondent No.1 to 4	:	Ms. Arpana Singh, Advocate
For Respondent No.6	:	Ms. Pushpalata Khalkho, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

21/08/2017

1. The present is an appeal filed by the Insurance Company under Section 173 of the Motor Vehicle Act challenging the award dated 07.03.2014 passed in Claim Case No. 113/2013.

2. Vide the said impugned award, the Tribunal under Section 166 in a death case has awarded an amount of Rs.8,61,000/- as compensation to the respondents No.1 to 4- the Claimants before the Tribunal. The challenge by the Insurance Company is only to the quantum part awarded by the Tribunal.

3. According to the counsel for the appellant-Insurance Company, granting of compensation under the conventional head is on the

higher side as Tribunal has awarded compensation of Rs.2,85,000/- as compensation under the conventional head. It was also the contentions of the appellant that granting of compensation adding 50% of his income under the head of future prospect also is on the higher side and same deserves to be modified suitably.

4. On perusal of records and particularly the award passed by the Tribunal what reveals is that the deceased Ramayan Sahu at the time of accident was aged around 35 years. The widow herself was a young lady aged around 35 years and three other claimants are minor children of the deceased, who were not even attained the age of majority.

5. Keeping this in view for the total amount of compensation awarded under the conventional head i.e. Rs.25,000/- towards funeral expenses, Rs.1,00,000/- to the widow for loss of love and affection, Rs.50,000/- each to the three minor children of the deceased towards the love & affection and loss of their father and Rs.10,000/- towards loss of estate by any stretch of imagination cannot be said to be on the higher side, particularly keeping in view the judgment of the Supreme Court in the case of “Rajesh and others vs. Rajbir Singh and others” 2013(9) SCC 54.

6. So far as taking future income also for quantifying the income is concerned, the said issue also stands well settled by now right from the judgment of Supreme Court in the case of “Sarla Verma & Others vs. Delhi Transport Corporation and Another” [2009 (6) SCC 121] and which has been followed in many other subsequent decisions.

7. Thus, the said ground raised by the Insurance Company also is not sustainable. In view of the same this Court does not find any merits in this appeal filed by the appellant. The same deserves to be and is accordingly dismissed.

Sd/-
(P. Sam Koshy)
Judge

Ved