

HIGH COURT OF CHHATTISGARH AT BILASPUR**MAC No.1503 of 2017**

The Oriental Insurance Company Limited, Through Divisional Manager,
Oriental Insurance Company Limited, Rama Trade Center, Opposite Rajiv
Plaza Old Bus Stand Bilaspur, Tehsil and Distirct Bilaspur (C.G.).

---Appellant

Versus

1. Smt.Anusuiya Verma W/o Mahesh Kumar Verma, age 35 years.
2. Tarun Kumar S/o Mahesh Kumar Verma, Age 09 years.
3. Ku.Mansi D/o Mahesh Kumar Verma, Age 06 years.
4. Smt.Choupee Bai W/o Janak Verma, Age 50 years.
5. Janak Verma S/o Late Parasram Verma, Age 60 years.
Respondent Nos. 2 & 3 are Minor through Natural Guardian Smt.Anusuiya
Verma W/o Mahesh Kumar Verma.
All are R/o Village Jalso P.S.Nevra, District Raipur, Presently R/o Tifra,
P.S.Sirgitti, District Bilaspur (C.G.).
6. Chandrkishor Pandit S/o Rampravesh Pandit Aged About 36 Years R/o
Siltara India Oil Pump Police Station Dharsinwa Tehsil And District Bilaspur
Chhattisgarh. (Driver)
7. Gurpreet Singh S/o Surendra Singh Aged About 34 Years R/o Santra Badi
Durg Police Station Mohan Nagar Tehsil & District Durg Chhattisgarh.
(Owner)

---Respondents

For appellant/Insurance Company : Shri Ghanshyam Patel, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

08/11/2017

1. Present is an appeal by the Insurance Company under Section 173 of the Motor Vehicles Act assailing the award dated 26/07/2017 passed by the learned 1st Additional Motor Accident Claims Tribunal, Bilaspur (C.G.) in Motor Accident Claim Case No.643/2015.
2. Vide the said impugned award, the Tribunal in a death case under Section 166 of the Motor Vehicles Act has awarded the compensation of Rs.15,99,040/- along with interest @ 6% per annum from the date of application.
3. In the instant appeal, the Insurance Company questioning only to the quantum part. According to the counsel for the appellant, the quantum so far as the compensation paid under the conventional head is on the higher side.

4. Perusal of record would show, that the application under Section 170 moved by the Insurance Company was already rejected. In the absence of permission under Section 170, the Insurance Company cannot now again turn around and challenge the quantum awarded in an appeal under Section 173 of the Motor Vehicles Act.

5. This court is of the opinion, that the quantum awarded by the Tribunal under the conventional head cannot be said to be on the higher side taking into consideration the age of the widow, the two childrens and the parents of the deceased.

6. In the given factual matrix of the case, this court is of the opinion, that no strong case has been made out worth admitting the appeal and the appeal thus deserves to be and is accordingly rejected.

Sumit

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