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HIGH COURT OF CHHATTISGARH, BILASPUR

Misc. Appeal (C) No.308 of 2015

1. Sangeeta Sahu, Wd/o Late Devisharan Sahu, aged about 24 years.

2. Ku. Ananya, D/o Late Devisharan Sahu, aged about 10 months (Minor) through represented by her mother (natural guardian) namely Sangeeta Sahu.

3. Banarasi Sahu, S/o Late Mohan Ram Sahu, aged about 52 years.

4. Rambai Sahu, W/o Banarasi Sahu, aged about 47 years.

All R/o Village Tejpur, Police Station and Tahsil Ramanujnagar, District Surajpur (C.G.)

(Claimants)
---- Appellants

Versus

1. Nikita Singh, W/o Chandrashekhar Singh, aged about 28 years, R/o Ward No.9, Jathari Road, Anuppur, Police Station and District Anuppur (M.P.)
(Owner of alleged Maruti Artika bearing registration No.MP-65/C-0983)

2. Deepnarayan @ Tinku Parihar, S/o Mohan Pratap Singh, aged about 28 years, R/o Didwani, Post Jamdi, Police Station and District Anuppur (M.P.)
(Driver of alleged Maruti Artika bearing registration No.MP-65/C-0983)

3. National Insurance Company Limited, Div. No.10, Flat No.101, 106, B.M.C. Housing Kant Palace, New Delhi – 110 001, Through Branch Manager, National Insurance Company Limited, Branch Office, Near Old Bus Stand, Raipur, District Raipur (C.G.)
(Insurer of alleged Maruti Artika bearing registration No.MP-65/C-0983)

(Non-applicants)
---- Respondents

For Appellants:	Mr. Ghanshyam Patel, Advocate.
For Respondent No.3:	Mr. Anil Gulati, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

19/07/2017

1. This is quantum appeal under Section 173 of the Motor Vehicles Act

by the claimants for enhancement of amount under award.

2. For death of deceased Devisharan, aged about 28 years, working as Broker, taking monthly income as ₹ 3,000/-, deducting ¼ towards personal expenses and applying the multiplier of 17, awarding ₹ 25,000/- towards loss of consortium, love and affection, loss of estate and funeral expenses, a total compensation of ₹ 4,84,000/- has been granted along with 8% interest per annum against which this appeal has been preferred.

3. Learned counsel for the claimants/appellants submits that the award is in lower side.

4. Learned counsel for the Insurance Company/respondent No.3 submits that the award is just and proper.

5. Taking into account the evidence available on record and nature of job which was being done by the deceased as a Broker, I consider that ₹ 6,000/- per month income would be appropriate income of the deceased and adding 50% towards future prospects as per the decision of the Supreme Court in the matters of **Smt. Sarla Verma and others v. Delhi Transport Corporation and another**[1], **Santoshi Devi v. National Insurance Company Ltd. and others**[2] and **Rajesh and others v. Rajbir Singh and others**[3], the monthly income would be ₹ 9,000/-. In view of the fact that the claimants are widow, minor girl child and parents of the deceased, it would be appropriate to deduct ¼ towards personal expenses and after deducting ¼, the income would be ₹ 6,750/- per month and ₹ 81,000/- per annum. Applying the multiplier of 17, the compensation works out to ₹

1 AIR 2009 SC 3104
2 AIR 2012 SC 2185
3 (2013) 9 SCC 54

13,77,000/-. In addition to this, the claimants are also entitled to a lump-sum of ₹ 1,00,000/- towards loss of consortium, love and affection, loss of estate and funeral expenses. Thus, the total compensation works out to ₹ 14,77,000/-. After deducting the amount of ₹ 4,84,000/- awarded by the Claims Tribunal, the enhanced amount of compensation would be ₹ 9,93,000/-. The respondent Insurance Company is directed to deposit the enhanced amount of compensation within 2 months from today along with 8% interest, as ordered by the Claims Tribunal, from the date of application.

6. The appeal is allowed to the extent indicated herein-above. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

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