

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Appeal (C) No. 601 of 2016**

1. Smt. Lachni Mourya W/o Late Kuldhar Mourya @ Pandu, aged about 45 years, Caste Muriya, R/o Village Diyaguda Para Rajur, P.S. Parpa Tahsil Jagdalpur, District Bastar, Civil & Revenue District Bastar (Chhattisgarh)
2. Amar Singh S/o Late Kuldhar Mourya @ Pandu, aged about 28 years, Caste Muriya, R/o Village Diyaguda Para Rajur, P.S. Parpa Tahsil Jagdalpur, District Bastar, Civil & Revenue District Bastar (Chhattisgarh)

---- Appellants**Versus**

1. Sushil Kumar Kashyap S/o Laxman Singh Kashyap, aged about 28 years, R/o Village Diyaguda Para Rajur, P.S. Parpa, Tahsil Jagdalpur, District Bastar (CG)
2. The National Insurance Company Limited, Naya Para in Front of Bhadoriya Bhavan, Jagdalpur, District Bastar (Chhattisgarh)

---- Respondents

For Appellants	:	Shri Vikash A. Shrivastava, Advocate
For Respondent No.2	:	Shri Shivendu Pandya, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****27/09/2017**

Present is an appeal by the claimants under Section 173 of the Motor Vehicles Act seeking for enhancement of the award dated 27.02.2016 passed by the 3rd Additional Motor Accident Claims Tribunal, Jagdalpur, District Bastar (CG) in Claim Case No. 83 of 2015. Vide the impugned award, the Tribunal has in a proceeding under Section 166 of the MV Act awarded a compensation of Rs.2,73,000/- with interest @ 9% per annum.

2. Counsel for the appellants submits that in the instant case the income which has been assessed by the Tribunal is unreasonably low considering the fact that the accident is of the year 2015. He submits that the Tribunal ought not to have taken Rs.3,000/- as the monthly income of the deceased and it should have been much more than what has been assessed by the Tribunal. He further submits that the compensation awarded under the other heads is also on the lower side and the same deserves suitable enhancement.

3. Counsel for the Insurance Company however opposing the appeal submits that considering the age of the deceased and the fact that the accident is of the year 2015, the compensation awarded is just and reasonable and does not warrant any interference.

4. Having considered the contentions put forth on either side and on perusal of the record, this Court is of the opinion that the amount of income assessed by the Tribunal at Rs.3,000/- per month is unreasonably low for the reason that in the year 2015, the minimum wages of even an unskilled labour would have been more than Rs.200/- a day. Therefore, this Court is of the opinion that for assessment of compensation, the monthly income ought to have been Rs.6,000/- in stead of Rs.3,000/-. It is ordered accordingly.

5. Accepting Rs.6,000/- as monthly income of the deceased, if 1/3rd of the same is deducted towards personal expenses, the amount comes to Rs.4,000/- a month and Rs.48,000/- yearly. If the yearly income of Rs.48,000/- is multiplied by applying the multiplier of 9 as has been assessed by the Tribunal, the amount reaches to Rs.4,32,000/-. It is ordered that the claimants shall be entitled for compensation of Rs.4,32,000/- towards loss of dependency in stead of Rs.2,43,000/- as assessed by the Tribunal. Likewise, the compensation awarded under conventional heads is also on the lower side and this Court is of the opinion that ends of justice would meet if a lump sum amount of Rs.1,00,000/- is given towards conventional heads. It is ordered accordingly. Thus, the total compensation payable to the claimants shall be Rs.5,32,000/- in stead of Rs.2,73,000/- as awarded by the Tribunal. The enhanced amount shall also carry interest at the same rate as fixed by the Tribunal.

6. The appeal thus stands allowed.

Sd/-

(P. Sam Koshy)
JUDGE