

HIGH COURT OF CHHATTISGARH AT BILASPURMAC No. 45 of 2011

National Insurance Co.Ltd. through its Divisional Manager, Bilaspur Branch, Taha Complex, Vyapar Vihar Road, Bilaspur.

---Appellant

Versus

1. (a) Netram Yadav S/o Sadharam Yadav, aged 25 years.
(b) Smt.Santoshi W/o Netram Yadav, aged 23 years.
Both are R/o Bajrangnagar, Sarora, Police Station Urla, District Raipur (C.G.). (Claimants)
2. Manoj Kumar Nishad S/o Lakhanlal Nishad, R/o village Gadamod, Post Godgiri, District Durg (C.G.) (Owner and Driver).

---Respondents

For appellant/Insurance Company	:	Shri Qamrul Aziz, Advocate.
For claimants	:	Ms.Pragya Pandey on behalf of Shri Amiyakant Tiwari, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

23/01/2018

1. Present is an appeal filed by the claimants under Section 173 of the Motor Vehicles Act, 1988 assailing the award dated 20/08/2010 passed by the learned Ninth Additional Motor Accident Claims Tribunal (F.T.C.), Raipur in Motor Accident Claim Case No. 46/2010.
2. Vide the said impugned award, the Tribunal in a death case under Section 166 of the Motor Vehicles Act has awarded a compensation of Rs.2,70,333/- with interest @ 7.5% per annum.

3. The challenge in the present appeal is to the quantum awarded by the Tribunal.

4. However, keeping in view the decisions of the Hon'ble Supreme Court in the case of **Lata Wadhwa and Ors. Vs. State of Bihar and Ors.** reported in (2001) 8 SCC 197 as also in the case of **Kishan Gopal Vs. Lala** [{2014} 1 SCC 244], this Court is of the opinion that the amount of compensation awarded by the Tribunal does not seem to be either excessive or on the higher side.

5. The appeal therefore deserves to be and is accordingly dismissed.

Sd/-
(P. Sam Koshy)
JUDGE

Sumit