

HIGH COURT of CHHATTISGARH, BILASPUR**MAC No. 726 of 2012**

1. Smt. Puna Bai Wd/o late Ramcharan Sonkar, aged about 50 years.
 2. Tula Ram S/o Late Ramcharan Sonkar Aged About 35 Years
 3. Vishwajeet S/o Late Ram Charan Sonkar Aged About 33
- All R/o Village Sarangpuri, District : Dhamtari, Chhattisgarh.

---- Appellants**Versus**

1. Dujram Netam S/o Narad Ram, aged about 33 years, R/o village Siyadehi, Tahsil and Distt. Dhamtari (CG).
2. Champa Lal Sahu S/o Krishna Kumar Sahu Aged About 47 Years Ful Chowk Nayapara Raipur, District : Raipur, Chhattisgarh.
3. The New India Insurance Company Ltd. Office No 1 Madina Building Kachhari Chowk Raipur, District : Raipur, Chhattisgarh.

---- Respondents

For Appellant	:	Shri Sanjay Dewangan, Advocate.
For respondent No.3	:	Smt. Chitra Shrivastava, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Judgment On Board****05.03.2018.**

1. The present appeal under Section 173 of the Motor Vehicles Act has been filed by the claimants seeking enhancement of compensation against the award dated 24.04.2012 passed by the Chief Motor Accident Claims Tribunal, Dhamtari (in short, the Tribunal) in Claim Case No.189/2010. Vide the said impugned award, the Tribunal has awarded a compensation of Rs.1,97,400/- with interest @ 6 percent per annum from the date of accident.
2. The contention of the appellants is that the income assessed by the Tribunal is on the lower side. So also the claimants would be entitled for compensation under future prospects. Further, the compensation awarded under conventional heads also seems to be on the lower

side. Thus, prayed for amount to be suitably enhanced.

3. The counsel for the insurance company opposing the appeal submits that the award seems to be fair and reasonable taking into consideration the age of the deceased, the period of accident and the assessment made by the Tribunal. Thus, prayed for rejection of appeal.
4. Having heard the contentions put forth on either side and on perusal of records the undisputed facts are the date of accident to be 18.05.2010, the vehicle involved in the accident was owned by the respondent No.2 and driven by respondent No.1 and insured by the respondent No.3. The other aspect which is not in dispute is that the deceased met with an accidental injury to which he later succumbed and that he was aged around 60 years on the date of accident as per postmortem report.
5. Considering the fact that date of accident was May, 2010, when undisputedly even an unskilled labour would be earning Rs.4500-6000/- per month @ 150-200/- per day. This court assesses the minimum of it at Rs.4500/- @ 150/- per day to be the income of the deceased instead of Rs.2500/- as assessed by the Tribunal.
6. Assessing Rs.4500/- as monthly income, the yearly income would come to Rs.54,000/-. In addition, the claimants are also entitled for 10 percent of the said amount towards future prospects which would make the yearly income at Rs.59,400/-of which if 1/3rd is deducted towards personal expenses, the amount comes to Rs.39,600/- which if multiplied by applying the multiplier of 9, the amount would come to

Rs.3,56,400/-. In addition, the claimants would also be entitled for a lump sum compensation of Rs.70,000/- under conventional heads to bring the total compensation at Rs. 4,26,400/- instead of Rs.1,97,400/- as assessed by the Tribunal. Thus, it is ordered that the claimants shall now be entitled for a total compensation of Rs. 4,26,400/-.

7. The above enhanced amount shall also carry interest at the rate as awarded by the Tribunal.
8. The appeal thus stands allowed and disposed of.

Sd/-
(P.Sam Koshy)
Judge

inder