

NAFR

**HIGH COURT of CHHATTISGARH, BILASPUR****MAC No. 99 of 2012**

1. Smt Geeta Thakur W/o Late Shri Kamesh Singh Thakur, aged about 28 years.
  2. Aadesh Singh Thakur S/o Late Shri Kamesh Singh aged about 5 years.
  3. Arpit Singh S/o Late Shri Kamesh Singh Thakur, aged about 2 years.
  4. Savitri Bai Thakur Wd/o Ishwar Singh Thakur, aged about 65 years.
- Appellants No. 2 & 3 are minor through legal guardian mother-Appellant No.1-Smt. Geeta Thakur.  
All R/o Village Sarona, Post Tatibandh, P.S. D.D. Nagar Raipur Dist- Raipur C.G.

**---- Appellants****Versus**

1. Jagdish @ Lallu S/o Ramanand Sahu R/o Village Magarghatta, Police Station Nandghat, Post Nandghat, Distt. Durg (CG).
2. Ramsharan S/o Miththu Sahu, R/o Village Magarghatta, P.S. Nandghat Dist. Durg C.G.
3. The New India Insurance Co. Lid. Through Divisional Manager Division No. 1 Jail Raod Raipur C.G.

**---- Respondents**


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|---------------------|---|------------------------------------|
| For Appellants      | : | Shri AD Kuldeep, Advocate.         |
| For respondent No.3 |   | Smt. Chitra Shrivastava, Advocate. |

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**Hon'ble Shri Justice P. Sam Koshy****Judgment On Board****07.02.2018**

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 18.04.2011 passed by the 7th Additional Chief Motor Accident Claims Tribunal, Raipur (in short, the Tribunal) in Claim Case No.86/2009. Vide the said impugned award, the Tribunal has awarded a compensation of Rs.4,73,500/- to the claimants along with interest @ 6 percent per annum from the date of application.

2. Counsel for the appellants-claimant submits that the amount of compensation awarded by the Tribunal is unreasonably low inasmuch as the income assessed, so also the deductions made and the multiplier applied all have not been done in accordance with the guidelines of the Supreme Court laid down in case of Sarla Verma and Ors. Vs. Delhi Transport Corporation and Anr. 2009 (6)SCC 121. Thus, prayed for amount to be suitably enhanced.
3. The counsel for the insurance company, however opposing the appeal submits that the award seems to be fair and reasonable and there is no scope of interference. Therefore, the appeal does not have any merit and the same deserves to be rejected.
4. Considering the submissions put forth on either side and on perusal of records, though the claimants had stated that the deceased was working with the Transport Company and was getting monthly salary of Rs.11,000/-, but there has been no sufficient cogent evidence to substantiate the said contention. However, since the date of accident being February, 2009, indisputably on the said date even an unskilled labour would had been earning more than Rs.200/- a day which would bring the monthly income at Rs.6000/-. Therefore, this court has no hesitation in assessing the income of the deceased at Rs.6000/- per month which brings annual income at Rs.84,000/-. In addition the claimants would also be entitled for 40 percent of the said amount towards future prospects. The deductions to be made would be 1/4th.
5. Accepting Rs.6000/- as monthly income, if 40 percent of it is added

towards future prospects, the monthly income would reach to Rs. 8400/- and Rs.1,00,800/-annually of which if 1/4th is deducted towards personal expenses, the amount left would be Rs.75,600/-, which if multiplied by applying the multiplier of 16, the amount would become Rs.12,09,600/-. It is ordered accordingly that the claimants shall be entitled for loss of dependency at Rs.12,09,600/-. In addition, the claimants shall also be entitle for an additional lump sum compensation of Rs.70,000/-under the conventional heads to make the total compensation payable at Rs.12,79,600/- instead of Rs.4,73,500/- as awarded by the Tribunal.

6. The above enhanced amount of compensation shall also carry interest at the same rate as awarded by the Tribunal.
7. Accordingly, the appeal of the appellants-claimant stands allowed and disposed of.

**Sd/-**

(P.Sam Koshy)  
**Judge**