

HIGH COURT of CHHATTISGARH, BILASPUR**MAC No. 959 of 2012**

1. Smt. Aamna Begam W/o Ramjan Ali Aged About 39 Years
2. Ramjan Ali S/o Late Shamsheer Ali Aged About 43 Years
3. Asif Ali S/o Ramjan Ali Aged About 16 Years
4. Miss Shahina Begam D/o Ramjan Ali Aged About 17 Years

Respondents No.3 & 4 are Minor, Through - Aamna Begam-Appellant No.1.

All R/o Near Fejurraja Madarsa, Talapara, P.S. Civil Line Tah. and Distt. Bilaspur
C.G., District : Bilaspur, Chhattisgarh

---- Appellants

Versus

1. Devendra Singh S/o Bahadur Singh Aged About 42 Years Itari, Behind Gurudwara, P.S. Itari, Distt. Amritsar Punjab C/o Baljeet Singh Theka Naka Kamthi Road Tekanaka Nagpur, P.S. Panchpoli, Distt. Nagpur, Maharashtra.
2. Baljeet Singh S/o Baj Singh Aged About 55 Years Gurunanakpura Tekanaka Punjab National Road Kamthi Road Nagpur, Tah. And Distt. Nagpur M.H.C/o R.P. Sharma Plot No. 187, Baba Buddhaji Nagar, Nagpur, Distt. Nagpur M.H.
3. The Branch Manager S/o Shriram Gen.Insu.Com.Ltd. Branch Office E-8, Ricco Industrial Area Sitapur, Distt. Jaipur Rajasthan.

---- Respondents

For Appellants	:	Shri PK Tulsyan, Advocate.
For respondent No.3	:	Shri Pankaj Agrawal, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Judgment On Board

07.03.2018

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 11.05.2012 passed by the 5th Additional Motor Accident Claims Tribunal, Bilaspur (in short, the Tribunal) in Claim Case No.49/2012. Vide the said impugned award, the Tribunal in a death case has awarded compensation of Rs.2,01,000/- to the claimants along with interest @ 7.5 percent per annum from the date of application.

2. Counsel for the appellant-claimant submits that the amount of compensation awarded by the Tribunal is unreasonably low considering the date of accident. Future prospects have also not been awarded. Further, income of the deceased has not been properly assessed. So also proper multiplier was not applied. Therefore, the award deserves to be modified and the compensation be suitably enhanced.
3. On the other hand counsel for the insurance company opposes the appeal and submits that considering the age of the deceased, the nature of employment and the period of accident, the award seems to be just, fair and reasonable and does not warrant any interference.
4. Having heard the counsel on either side and on perusal of records, the undisputed facts in the appeal being the date of accident 17.05.2011, the deceased being Irfan Ali, aged about 20 years and the offending vehicle being owned by the respondent No.2 and driven by respondent No.1. It is also not in dispute that the offending vehicle was duly insured with the respondent No.3.
5. In the light of the aforesaid facts and circumstances of the case, the only issue left for consideration is whether the compensation awarded is just or not?
6. Indisputably the date of accident being May, 2011, the minimum income of an unskilled labour would have been Rs.200/-a day i.e. 6000/- per month. The deceased in the instant case is said to have been working as Electrician as also repairing works of Cooler which is supposed to be skilled nature work. This court therefore, assesses

the income of the deceased at Rs.6000/- instead of Rs.2600/- as assessed by the Tribunal and proceeds to quantify the compensation. Further, the claimants would also be entitled for 40 percent of said amount towards future prospects.

7. Accepting Rs.6000/- as monthly income, if 40 percent of it is added, the monthly income comes to Rs. 8400/- i.e. 1,08,000/- yearly, of which if 50 percent is deducted towards personal expenses as the deceased was a bachelor, the amount left would be Rs.50,400/- which if multiplied by applying the multiplier of 18, the amount towards loss of dependency would come to Rs.9,07,200/-. In addition, the claimants are also entitled for a lump sum compensation of Rs.40,000/- towards conventional heads to make the total compensation payable at Rs.9,47,200/- which is rounded off at Rs. 9,50,000/-. Thus, it is ordered that the claimants shall now be entitled for a total compensation of Rs.9,50,000/- instead of Rs.2,01,000/- as awarded by the Tribunal.
8. The above enhanced amount of compensation shall also carry interest at the same rate as awarded by the Tribunal.
9. Accordingly, the appeal of the appellant-claimants stands allowed and disposed of.

Sd/-
(P.Sam Koshy)
Judge