NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 752 of 2012

1. Smt. Gunjan Verma W/o Late Ramkumar Verma, aged about 29 years.
2. Ku. Nisha D/o Late Ramkumar Verma, aged about 10 years.
3. Ajay Kumar S/o Late Ramkumar Verma, aged about 08 years.
4. Ku.Shobhenekar D/o Late Ramkumar Verma, aged about 04 years.
5. Ku. Dolly D/o Late Ramkumar Verma, aged about 02 years.

   Appellants No. 4 & 5 are minor, represented through their mother Smt. Gunjan Verma.

   All are R/o Prem Nagar, Lodhi Para, Gudhiyari, Raipur, Tehsil and District Raipur (C.G.) (Claimants).

---Appellants

Versus

1. Awadhesh Singh S/o Dhenuk Singh, R/o Pragati Nagar (Near Chhota Ashok Nagar), Gudiyari, Raipur (Rented House of Patley), Tehsil and District Raipur (C.G.).
2. Reliance General Insurance Co.Ltd., through General Manager, Reliance General Insurance Co.Ltd., Ravi Bhavan, Jai Stambh Chowk, Raipur (Shop No. 412, 413, 4th Floor), Raipur, Tahsil and District Raipur (C.G.).
3. Dwarika Prasad S/o Somnath Verma, aged about 51 years.
4. Moonhbati Bai W/o Dwarika Prasad Verma, aged about 50 years.

   Respondents No. 3 & 4 are R/o Prem Nagar, Lodhi Para, Gudiyari, Raipur, Tehsil and District Raipur (C.G.).

---Respondents

For appellants/claimants	:	Shri Rishi Sahu on behalf of Shri Surfaraj Khan, Advocate.
For respondent No.2/Insurance Company.	:	Shri Sourabh Sharma, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

28/02/2018

1. Present is an appeal filed by the claimants under Section 173 of the Motor Vehicles Act assailing the award dated 19/01/2010 passed by the

learned First Additional Motor Accident Claims Tribunal, Raipur, District Raipur (C.G.) in Motor Accident Claim Case No. 51/2008.

2. Vide the impugned award, the Tribunal in a death case has awarded a compensation of Rs.4,25,500/- with interest @ 6% per annum from the date of application.

3. While passing the impugned award, the liability of payment of compensation to the extent of Rs.1,00,000/- has been fastened upon the respondent No.2/Insurance Company and the liability of payment of remaining compensation has been fastened upon the respondent No.1.

4. The counsel for the appellants/claimants submits that, the amount of compensation awarded is too meagre an amount considering the factual matrix of the case in as much as the income assessed by the Tribunal was not properly done so also the deductions made also ought to had been done in the light of parameters given by the Hon'ble Supreme Court in the case of **Sarla Verma & Ors. Vs. Delhi Transport Corporation & Anr. [2009 6 SCC 121].**

5. The counsel for the Insurance Company however opposing the appeal submits that, the liability so far as the Insurance Company is concerned is confined to Rs.1,00,000/- as the risk covered by the deceased/owner was to the extent of Rs.1,00,000/- on account of extra premium of Rs.50/- that they had charged covering the risk of the owner and further that the amount of Rs.1,00,000/- has already been deposited before the Tribunal.

6. So far as the quantum of compensation is concerned, the date of accident being May-2008. This court has no hesitation in holding that during the relevant period, even an unskilled labour would had been drawing more than Rs.150-200/- per day i.e. Rs.4,500-6,000/- per month.

7. This Court thus assesses the income of the deceased at Rs.4,500/- instead of Rs.3,000/- as assessed by the Tribunal. In addition, the claimants would also be entitled for 40% of his income towards future prospects i.e. Rs.21,600/- which if added to the yearly income, the figure would come to Rs.75,600/- of which if 1/3rd is deducted towards personal expenses, the amount left would be Rs.60,480/- which if multiplied by applying multiplier of 17, the amount would come to Rs.10,28,160/-. In addition, the claimants would also be entitled for an additional amount of Rs.70,000/- to make the total compensation payable to the claimants at Rs.10,98,160/- instead of Rs.4,25,500/- as awarded by the Tribunal. The said enhanced amount shall also carry interest at the same rate as has been awarded by the Tribunal.

8. The liability of payment of remaining enhanced amount would remain that upon the respondent No.1 and the Insurance Company would be only liable for Rs.1,00,000/- which they have paid.

9. The appeal stands allowed and disposed off.

Sd/-
(P. Sam Koshy)
JUDGE

Sumit