

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MAC No. 254 of 2018**

National Insurance Company Limited, Branch Office, Above Central Bank, Jagdalpur, District- Bastar, Chhattisgarh.

---- Appellant**Versus**

1. Smt. Siya Bai W/o Wd/o Late Maniram Poyam Aged About 47 Years
2. Umshila Poyam W/o Wd/o Late Maniram Poyam Aged About 23 Years
Both R/o Baniyagaon, Tahsil Kondagaon, Police Station And District-Kondagaon, Chhattisgarh.
3. Hira Singh Markam S/o S/o Mangal Ram Markam Aged About 32 Years R/o Madhai, Bhatapara, Karanji, Police Station And District-Kondagaon, Chhattisgarh.
4. Dinesh Poyam S/o S/o Late Maniram Poyam Aged About 27 Years R/o Baniyagaon, Tahsil Kondagaon, Police Station And District-Kondagaon, Chhattisgarh.

---- Respondents

For Appellant : Shri Raj Awasthi, Advocate.

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 insurance company assailing the award dated 25.03.2017 passed by the Motor Accident Claims Tribunal, Kondagaon (in short, the Tribunal) in Claim Case No.64/2014. Vide the said impugned award, the Tribunal has awarded a compensation of Rs.30,13,224/-to the claimants along with interest @ 9 percent per annum from the date of application.
2. The challenge of insurance company is to the quantum of compensation awarded. According to him, the income assessed, the multiplier applied and the compensation under the conventional

heads were all on the higher side and excessive and deserve to be suitably modified.

3. However, a perusal of records would show that the deceased in the instant case was aged around 25 years and the multiplier applied in the case was 17. There does not appear to be any discrepancy or any mistake on the part of the Tribunal while assessing the same. So far as the income assessed by the Tribunal is concerned, the deceased was working as a Constable in the Special Task Force and was drawing gross salary of Rs.23,283/- with deduction of Rs.1775/- which would bring net salary of the deceased at Rs.25,058/- per month. If this amount has been taken into consideration as the income of the deceased, the same cannot be said to be either erroneous or on the higher side. So far as the compensation under conventional head is concerned, taking into consideration the details of the claimants and the compensation awarded under conventional head being only Rs.1,05,000/-, this court does not find the same also to be excessive or on higher side.
4. Given the aforesaid facts and circumstances of the case, this court is of the opinion that no strong case is made out by the insurance company worth admitting the appeal. The appeal thus stands rejected.

Sd/-
(P.Sam Koshy)
Judge