

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. APPEAL (C) NO. 626 OF 2011

1. Satendra Singh, S/o Late Bichchhattar Singh @ Bichendra Singh, aged about 46 years
2. Smt. Surinder Kaur Gil, W/o Satendra Singh Gil, aged about 43 years
Both are R/o near Nirmal School, Jagdalpur, District Bastar (C.G.)

... Appellants

versus

1. Deepak Kapoor, S/o Late Banshilal Kapoor, aged about 36 years, Proprietor Kapoor Tent House, Pratap Ganj Para, Jagdalpur, District Bastar (C.G.)
2. The Oriental Insurance Co. Ltd., Main Road, Jagdalpur, District Bastar (C.G.)

... Respondents

For Appellants	:	Mr. P.K. Tulsyan, Advocate.
For Respondent No.1	:	Mr. A.L. Singroul, Advocate.
For Respondent No.2	:	Mr. Raj Awasthi, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

11/01/2018

1. The present is a claimants' appeal under Section 173 of the Motor Vehicles Act, 1988, seeking enhancement of the compensation awarded by the 1st Additional Motor Accident Claims Tribunal, Bastar at Jagdalpur, vide its award dated 9.11.2010, in Claim Case No. 50/2008.
2. Vide the impugned award, the learned Tribunal, in a death case, under Section 166/140 of the Motor Vehicles Act, has awarded a compensation of Rs.2,55,000/- with interest thereon at the rate of 6% per annum from the date of presentation of the claim application.
3. Learned counsel for the appellant-claimants fairly submits that the only scope of interference in the compensation amount is that of granting a compensation under the head future prospects and that the multiplier applied also should be 18 instead of 10 that has been applied by the Tribunal.

4. Learned counsel for respondent no.2-insurance company however vehemently opposes the appeal and submits that the compensation awarded is just and reasonable considering the age of the deceased and thus prayed for the rejection of the appeal.

5. Having heard the contentions put forth on either side and on perusal of record, what clearly reflects is that the monthly income of the deceased, *i.e.*, Rs.4000/-, which has been assessed by the Tribunal while quantifying the compensation seems to be fair and reasonable. However, in the light of the recent decisions of the Hon'ble Supreme Court, the claimants would be entitled for the income under the future prospects also while quantifying the compensation, which in the instant case would be 40%. Likewise, the multiplier to be applied also, in the light of the decision of the Hon'ble Supreme Court in the case of **Sarla Verma (Smt.) and others v. Delhi Transport Corporation and Another**¹ and all subsequent decisions, would be 18 instead of 10, as the deceased was aged around 24 years at the time of accident.

6. Accordingly, accepting Rs.4000/- as the monthly income of the deceased, the yearly income comes to Rs.48,000/- to which if 40%, *i.e.*, Rs.19,200/-, is added towards future prospects, the amount would come to Rs.67,200/- of which if 50%, *i.e.*, Rs.33,600/-, is deducted towards the personal expenses, the remaining amount would come to Rs.33,600/- which if multiplied applying the multiplier of 18, the amount would reach to Rs.6,04,800/- which is the loss of dependency instead of Rs.2,40,000/- which the Tribunal has assessed. In addition, the claimants are also entitled for an additional compensation of Rs.40,000/- under the conventional heads, instead of what has been awarded by the Tribunal. Thus, making the total compensation payable to the claimants at Rs.6,44,800/-, instead of Rs.2,55,000/- which the Tribunal has awarded.

1 2009 (6) SCC 121

7. As a result, the appeal is allowed and the impugned award stands modified and enhanced to the extent that the claimants shall be entitled for a total compensation of Rs.**6,44,800/-** and the enhanced amount shall also carry the interest at the same rate as has been fixed by the Tribunal.

Sd/-
(P. Sam Koshy)
Judge

/sharad/