

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MAC No. 420 of 2011**

1. Ashish Kumar, S/o. Late Ramesh Kumar Sone, Aged about 3 years (Minor), through: his natural guardian mother Smt. Rekha Sone (Appellant No.2), R/o. Village Narmada Nagar, Qt. No. H-1, 41-A, Post Mangla, Tahsil & District Bilaspur, Chhattisgarh
2. Smt. Rekha Sone Wd/o Late Ramesh Sone, Aged about 31 years, R/o Village Narmada Nagar, Qrt. H-1, 41-A, Post Mangla, Tahsil And District Bilaspur, Chhattisgarh

---- Appellants**Versus**

1. Manoj Sharma, S/o. Punu Sharma, Aged about 40 years, R/o. Village Balauda Seepat, District Bilaspur Chhattisgarh
3. Sanjay Kumar Yadav Aged about 35 years, S/o Shri Rajkumar Yadav, R/o. Village Near Manji Mandir, Sarkanda, District Bilaspur Chhattisgarh
4. Branch Manager, ICICI Lombard Motor Insurance Company Ltd., V.R. Plaza, Link Road, Bilaspur, District Bilaspur Chhattisgarh

----Respondents

For Appellants	:	Mr. P.R. Patankar, Advocate (Amicus Curiae appointed by the Court)
For Insurance Company	:	Mr. Sourabh Sharma, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****11/01/2018**

1. As there was no representation on behalf of the Claimants, this Court thought it fit for taking the assistance of Mr. P.R. Patankar, Advocate present in the Court.
2. The present is an appeal by the Claimants assailing the award dated 22.11.2010, passed by the 3rd Additional Motor Accident Claims Tribunal, Bilaspur, Chhattisgarh, in Claim Case No.139/2010. Vide the impugned award the Tribunal, in a death case, has awarded a compensation of Rs.2,08,000/- with interest @ 9% per annum.
3. The counsel for the appellant submits that the amount of compensation awarded, both assessing of the monthly income as

also the amount awarded on the other heads are unreasonably low. It was also contended that the Court below has not awarded any compensation under the future prospects and thus prayed for the amount to be suitably enhanced.

4. Mr. Sourabh Sharma, Advocate appearing for the Insurance Company opposing the appeal submits that it is a case where the award has been passed taking into consideration the evidence which has come on record and that the award seems to be just and reasonable and does not warrant any interference. He further submits that even otherwise the original appellant No.1 Ramesh Sone has since expired and the deceased was in fact the sister of Ramesh Sone and on this ground also there is no scope of any enhancement.
5. Having considered the rival contentions put forth on either side and on perusal of record, what is apparently visible is the fact that the deceased in the instant case was staying together with the appellant at the time of accident and that the deceased was the sister of the claimant No.1 and sister-in-law of the claimant No.2 as the deceased was unmarried. In view of the same, the claim application on behalf of the claimants was maintainable.
6. Now coming on to the issue of quantum of compensation, if we look into the notional income assessed, the period of accident was June, 2009, when even the minimum wages for an unskilled worker would have been around Rs.150/- a day, which makes the monthly income at Rs.4,500/-. This Court thus quantifies the monthly income of the deceased at Rs.4,500/- instead of Rs.3,600/- as quantified by the Tribunal. Assessing Rs.4,500/- as the monthly income, yearly income

would come to Rs.54,000/- to which the claimants would be entitled for 10% towards future prospects, which would make the total compensation at Rs.59,400/-, of which if 50% is deducted towards future prospects, the amount comes to Rs.29,700/-, which if multiplied applying the multiplier of 11, the amount would come to Rs.3,26,700/-. In addition, the claimants shall also be entitled for a total compensation of Rs.70,000/- under the conventional head to make the total compensation payable at Rs.3,96,700/- instead of Rs.2,08,000/- as has been awarded by the Tribunal.

7. The enhanced amount shall also carry interest at the same rate as has been awarded by the Tribunal.
8. This Court extends a word of appreciation to Mr. P.R. Patankar, Advocate for assisting the Court in disposal of the appeal.

Sd/-
(P. Sam Koshy)
Judge

Ved