

HIGH COURT of CHHATTISGARH, BILASPUR**MAC No. 608 of 2012**

1. Geeta Bai Wd/o Late Ramu Yadav, aged about 30 years.
2. Indu Yadav D/o Late Ramu Yadav aged about 12 years.
3. Yesh Kumari D/o Late Ramu Yadav, aged about 10 years.
4. Durpati Yadav D/o Late Ramu Yadav, aged about 08 years.
5. Nandkishore Yadav S/o Late Ramu Yadav, aged about 6 years.

Respondents No. 2 to 4 are minors through mother Geeta Bai -Appellant No.1.
All are R/o Village Tamsivni, Distt.- Raipur (CG).

---- Appellants**Versus**

1. Pankaj Singh S/o Ravinder Singh aged about 25 years R/o Dr. Rajendra Prasad Nagar, BBC Colony, Khursipar gate Bhilai (CG).
2. Jaswant Singh S/o Dilip Singh, R/o M. G. Market Bhilai, Distt. Durg Cg
3. The New India Insurance Company Ltd. Through Divisional Manager, Divisional Off., Madina Building, Jail Road, Raipur (CG)
4. Bhuneshwar Prasad Chandrakar S/o Devnath Chandrakar, R/o Vill. Tamasivni, P.S. Abhanpur, Distt. Raipur (CG).
5. I.C.I.C.I. Lombard Insur. Comp. Ltd Through Divisional Manager, Divisional Off., 3rd Flr, Lal Ganga Shopping Mal, G.E. Road, Raipur (CG).

---- Respondents

For Appellants	:	Shri Shikhar Sharma, Advocate.
For respondent No.3	:	Shri Pankaj Agrawal, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Judgment On Board****09.03.2018.**

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 20.03.2012 passed by the 7th Additional Motor Accident Claims Tribunal, Raipur (in short, the Tribunal) in Claim Case No.123/2011. Vide the said impugned award, the Tribunal has awarded a compensation of Rs.6,11,000/- with interest @ 6 percent per annum from the date of application.
2. The contention of the appellants is that the income assessed by the Tribunal is on the lower side considering the fact the deceased was a

Driver by profession. So also the claimants would be entitled for compensation under future prospects. Further, the compensation awarded under conventional heads also seems to be on the lower side. Thus, prayed for amount to be suitably enhanced.

3. The counsel for the insurance company opposing the appeal submits that the award seems to be fair and reasonable taking into consideration the age of the deceased, the period of accident and the assessment made by the Tribunal. Thus, prayed for rejection of appeal.
4. Having heard the contentions put forth on either side and on perusal of records the undisputed facts are the date of accident to be 06.05.2009, the vehicle involved in the accident owned by the respondent No.2 and insured with the respondent No.3. The other aspect which is not in dispute is that the deceased who was a Driver by profession met with an accidental death and that he was aged around 32 years on the date of accident.
5. Considering the fact that date of accident was May, 2009 and the fact that the deceased was a Driver by profession, his income would have been much more than what has been assessed by the Tribunal. Thus, taking into consideration the entire facts, this court assesses the monthly income of the deceased at Rs.5000/- instead of Rs.4000/- as assessed by the Tribunal.
6. Assessing Rs.5000/- as monthly income, the yearly income would come to Rs.60,000/-. In addition, the claimants are also entitled for 40 percent of the said amount towards future prospects which would

bring the yearly income at Rs.84,000/-of which if 1/4th is deducted towards personal expenses, the amount comes to Rs.63,000/- which if multiplied by applying the multiplier of 16, the amount would come to Rs.10,08,000/-. In addition, the claimants would also be entitled for a lump sum compensation of Rs.70,000/- under conventional heads to bring the total compensation at Rs.10,78,000/- instead of Rs.6,11,000/- as assessed by the Tribunal. Thus, it is ordered that the claimants shall now be entitled for a total compensation of Rs. 10,78,000/-.

7. The above enhanced amount shall also carry interest at the rate as awarded by the Tribunal.
8. The appeal thus stands allowed and disposed of.

Sd/-
(P.Sam Koshy)
Judge

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