

HIGH COURT of CHHATTISGARH, BILASPUR**MAC No. 634 of 2012**

1. Smt. Rinku Singh W/o late Santosh Kumar Singh, aged 28 years,
2. Ku. Akanksha Singh D/o Late Santosh Kumar Singh, aged 9 years,
3. Priyansh Singh S/o late Santosh Kumar Singh, aged 6 years,
4. Ku. Kirti Sing D/o late Santosh Kumar Singh, aged 3 years,
5. Radharaman Singh S/o Mod Narayan Singh, aged about 65 years

Respondents No. 2 to 4 are minor through mother Smt. Rinku Singh-Appellant No.1.

All are R/o Village Bhatagaon, PS Tikrapara, Raipur, District Raipur (CG).

---- Appellants

Versus

1. Abdul Hanif S/o Mahmood Khan, R/o Aminpara, PS Purani Basti, Raipur (CG).
2. Mohd. Kalim S/o Mohd. Wakil Abdul New India Bus Service, New Bus Stand Pandari Raipur.
3. New India Insurance Comp. Ltd. Through – Divisional Manager, Divisional Office, Kachhari Chowk, Jail Road, Raipur, C.G

---- Respondents

For Appellants	:	Shri Shikhar Sharma, Advocate.
For respondent No.3	:	None.

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 29.03.2012 passed by the 7th Additional Motor Accident Claims Tribunal, Raipur (in short, the Tribunal) in Claim Case No.190/2011. Vide the said impugned award, the Tribunal has awarded a compensation of Rs.4,72,000/- 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

working in a Bus bearing registration No.CG-04-E-4459. 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 10.04.2010, the vehicle involved in the accident was owned by the respondent No.2, driven by respondent No.1 and insured by the respondent No.3. The other aspect which is not in dispute is that the deceased was working in the Bus and was aged around 35 years on the date of accident.
5. Considering the fact that date of accident was April, 2010 and the fact that the deceased was working in the Bus, 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.3000/- 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 make 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/- which would be amount towards loss of dependency. 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 payable at Rs.10,78,000/- instead of Rs.4,72,000/- 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

inder