

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MAC No. 874 of 2015**

1. Virendra Nath S/o Late Gidhon Nath Aged About 50 Years
 2. Ku. Pratiksha Nath D/o Late Yahosu Nath & Adopted Father Rajendra Nath (Deceased)
- Both are R/o Quarter No. M-42, Shakti Nagar Dipka, Police Station Dipka Tehsil Katghora District Korba Chhattisgarh

---- Appellants**Versus**

1. Mohan Singh S/o Ramnath R/o Sakin Gevra Basti Kusmunda, Tehsil Katghora, District Korba Chhattisgarh
2. Manmohan Prasad Sahu S/o Chanrika Prasad R/o Sakin Village Lakhpur Dhelwadih Near Kirana Shop Korba District Korba Chhattisgarh
3. Shriram General Insurance Company Ltd. Address Near Gayatri Temple T.P. Nagar Korba District Korba Chhattisgarh

---- Respondents

For Appellants	:	Mr. Akhilesh Kumar, Advocate
For Insurance Company	:	Mr. S.S. Rajput, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****21/02/2018**

1. The present is an appeal by the Claimants under Section 173 of the Motor Vehicles Act. Challenge is to the award dated 05.02.2015, passed by the Additional Motor Accident Claims Tribunal, Katghora, District Korba, Chhattisgarh, in Motor Accident Claim Case 10/2013.
2. Vide the impugned award, the Tribunal in a death case under Section 166 of the Motor Vehicles Act has awarded a compensation of Rs.50,000/- with interest @ 6% per annum from the date of application.
3. The counsel for the appellants submits that the amount of compensation awarded in a death case is unreasonably low and the

same deserves for suitable enhancement. The contention of the counsel for the Claimants is that the finding of Tribunal so far as not accepting the Claimants to be dependents of the deceased also is erroneous and the same deserves to be set-aside.

4. Mr. S.S. Rajput, Advocate appearing for the Insurance Company however vehemently opposes the claim of the appellants and prays for the rejection of the appeal stating that the finding of the Tribunal is just, fair and reasonable and that there is no scope of any enhancement.
5. The admitted fact of the case is that the deceased in the instant case Rajendranath met with an accident on 02.09.2012 when he was traveling on the motorcycle bearing registration No. CG/12/N/1119 was hit with another vehicle and sustained injuries, to which he later succumbed. The deceased Rajendranath was a bachelor aged around 53 years and the Claimants in the instant case are the brother and niece of the deceased.
6. Perusal of the record would show that the deceased was in fact staying with the Claimants, though there is no sufficient evidence to establish the dependency of the Claimants on the income earned by the deceased.
7. Considering the entire facts and circumstances of the case, since the accident is admitted, the vehicle being duly insured with the Insurance Company is admitted and the fact that the deceased was staying with the Claimants is also not in dispute. The Claimants would definitely therefore be entitled for some compensation towards loss of love & affection, loss of estate and also the expenses

towards funeral expenses. This Court awards an additional compensation of Rs.50,000/- in addition to what has already been awarded by the Tribunal making the Claimants entitled for a total compensation of Rs.1,00,000/-.

8. The said amount shall also carry interest @ 6% per annum from the date of application.
9. The appeal thus stands allowed and disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved