NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.A.(C) No.1087 of 2013

United India Insurance Company Limited Branch Office Jagdalpur, In Front Of Anupama Talkies, Distt. Bastar C.G., Thru- Its Divisional Manager, Divisional Office 2nd Floor, Gurukripa Towers, Vyapar Vihar Road, Bilaspur, Distt. Bilaspur C.G. **---- Appellant**

Versus

1. Shanti Devi Kashyap, W/o Late Harekrishna Aged About 42 Years R/o Kolchar, Tah. Jagdalpur, Distt. Bastar C.G.
2. Ku. Mamta Kashyap D/o Late Harekrishna Aged About 20 Years R/o Kolchar, Tah. Jagdalpur, Distt. Bastar C.G., District : Bastar(Jagdalpur), Chhattisgarh
3. Ritesh Kumar S/o Late Harekrishna Aged About 18 Years R/o Kolchar, Tah. Jagdalpur, Distt. Bastar C.G., District : Bastar(Jagdalpur), Chhattisgarh
4. Somaru Ram @ Samaru Ram S/o Ramesh Netam R/o Ambedkar Chowk, Near Shiv Mandir, Naya Munda Para, Jagdalpur, Distt. Bastar C.G., District : Bastar(Jagdalpur), Chhattisgarh
5. Krishna Yadav S/o Ramesh Yadav R/o Ramesh Hotel, Anupama Chowk, Jagdalpur, Distt. Bastar C.G., District : Bastar(Jagdalpur), Chhattisgarh

---- Respondents

For Appellant:	Shri Dashrath Gupta, Advocate.
For Respondents:	None.

M.A.(C) No.1088 of 2013

United India Insurance Company Limited Branch Office Jagdalpur, In Front Of Anupama Talkies, Distt. Bastar C.G., Thru- Its Divisional Manager, Divisional Office 2nd Floor, Gurukripa Towers, Vyapar Vihar Road, Bilaspur, Distt. Bilaspur C.G. **---- Appellant**

Versus

1. Smt.Asalwati Patel, W/o Murlidhar Patel Aged About 40 Years R/o Hikamipara, Jagdalpur, Distt. Bastar C.G., Chhattisgarh
2. Ku. Jhaneshwari D/o Murlidhar Patel Aged About 18 Years R/o Hikamipara, Jagdalpur, Distt. Bastar C.G., District : Bastar(Jagdalpur), Chhattisgarh
3. Somaru Ram @ Samaru Ram S/o Ramesh Netam R/o Ambedkar Chowk, Near Shiv Mandir, Naya Munda Para, Jagdalpur, Distt. Bastar C.G., District : Bastar(Jagdalpur), Chhattisgarh

4. Krishna Yadav S/o Ramesh Yadav R/o Ramesh Hotel, Anupama Chowk, Jagdalpur, Distt. Bastar C.G., District : Bastar(Jagdalpur), Chhattisgarh

---- Respondents

For Appellant:	Shri Dashrath Gupta, Advocate.
For Respondents:	None.

M.A.(C) No.165 of 2014

1. Nityanand Mali, S/o Late Kamal Singh Mali Aged About 40 Years R/o Hikamipara, Jagdalpur, Distt. Bastar C.G., Chhattisgarh
2. Smt. Devaki Mali W/o Nityanand Mali Aged About 38 Years R/o Hikamipara, Jagdalpur, Distt. Bastar C.G., District : Bastar(Jagdalpur), Chhattisgarh

---- Appellant

Versus

1. Somaruram @ Samaru Ram, S/o Ramesh Netam R/o Ambedkar Chowk, Near Shiv Mandir, Naya Munda Para, Jagdalpur, Distt. Bastar C.G.
2. Krishna Yadav S/o Ramesh Yadav R/o Ramesh Hotel, Anupama Chowk, Jagdalpur, Distt. Bastar C.G., District : Bastar(Jagdalpur), Chhattisgarh
3. Branch Manager S/o The United Insu.Co.Ltd., Branch- Jagdalpur, In Front Of Anupama Talkies, Jagdalpur, Distt. Bastar C.G., District : Bastar(Jagdalpur), Chhattis **---- Respondents**

For Appellants:	Shri PK Tulsiyan, Advocate.
For Respondents 1 & 2:	None, though served.
For Respondent No.3:	Shri Dashrath Gupta, Advocate.

M.A.(C) No.166 of 2014

1. Smt. Asalvati Patel, W/o Murlidhar Patel Aged About 40 Years R/o Hikamipara, Jagdalpur, Distt. Bastar C.G., Chhattisgarh
2. Miss Jhaneshwari Patel D/o Late Murlidhar Patel Aged About 18 Years R/o Hikamipara, Jagdalpur, Distt. Bastar C.G., District : Bastar(Jagdalpur), Chhattisgarh

---- Appellants

Versus

1. Somaruram @ Samaru Ram And Ors. S/o Ramesh Netam R/o Ambedkar Chowk, Near Shiv Mandir, Naya Munda Para, Jagdalpur, Distt. Bastar C.G.

2. Krishna Yadav S/o Ramesh Yadav R/o Ramesh Hotel, Anupama Chowk, Jagdalpur, Distt. Bastar C.G., District : Bastar(Jagdalpur), Chhattisgarh
3. Branch Manager S/o The United Insu.Co.Ltd., Branch- Jagdalpur, In Front Of Anupama Talkies, Jagdalpur, Distt. Bastar C.G., District : Bastar(Jagdalpur), Chhattisgarh **---- Respondents**

For Appellants:	Shri PK Tulsiyan, Advocate.
For Respondents 1 & 2:	None, though served.
For Respondent No.3:	Shri Dashrath Gupta, Advocate.

M.A.(C) No.164 of 2014

1. Smt. Shanti Devi Kashyap, W/o Late Harekrishna Aged About 42 Years R/o Kolchar, Tah. Jagdalpur, Distt. Bastar C.G.
2. Miss Mamta Kashyap D/o Late Harekrishna Aged About 20 Years R/o Kolchar, Tah. Jagdalpur, Distt. Bastar C.G., District : Bastar(Jagdalpur), Chhattisgarh
3. Ritesh Kumar S/o Late Harekrishna Aged About 18 Years R/o Kolchar, Tah. Jagdalpur, Distt. Bastar C.G., District : Bastar(Jagdalpur), Chhattisgarh

---- Appellants

Versus

1. Somaruram @ Samaru Ram, S/o Ramesh Netam R/o Ambedkar Chowk, Near Shiv Mandir, Naya Munda Para, Jagdalpur, Distt. Bastar C.G.
2. Krishna Yadav S/o Ramesh Yadav R/o Ramesh Hotel, Anupama Chowk, Jagdalpur, Distt. Bastar C.G., District : Bastar(Jagdalpur), Chhattisgarh
3. Branch Manager S/o The United Insu.Co.Ltd., Branch- Jagdalpur, In Front Of Anupama Talkies, Jagdalpur, Distt. Bastar C.G., District : Bastar(Jagdalpur), Chhattisgarh **---- Respondents**

For Appellants:	Shri PK Tulsiyan, Advocate.
For Respondents 1 & 2:	None, though served.
For Respondent No.3:	Shri Dashrath Gupta, Advocate.

M.A.(C) No.1089 of 2013

United India Insurance Company Limited Branch Office Jagdalpur, In Front Of Anupama Talkies, Distt. Bastar C.G., Thru- Its Divisional Manager, Divisional Office 2nd Floor, Gurukripa Towers, Vyapar Vihar Road, Bilaspur, Distt. Bilaspur C.G

---- Appellant

Versus

1. Nityanand Mali, S/o Late Kamal Singh Mali Aged About 40 Years R/o Hikamipara, Jagdalpur, Distt. Bastar C.G.
2. Smt. Devki Mali W/o Nityanand Mali Aged About 38 Years R/o Hikamipara,

Jagdalpur, Distt. Bastar C.G., District : Bastar(Jagdalpur), Chhattisgarh

3. Somaru Ram @ Samaru Ram S/o Ramesh Netam R/o Ambedkar Chowk, Near Shiv Mandir, Naya Munda Para, Jagdalpur, Distt. Bastar C.G., District : Bastar(Jagdalpur), Chhattisgarh
4. Krishna Yadav S/o Ramesh Yadav R/o Ramesh Hotel, Anupama Chowk, Jagdalpur, Distt. Bastar C.G., District : Bastar(Jagdalpur), Chhattisgarh

---- Respondents

For Appellant:	Shri Dashrath Gupta, Advocate.
For Respondents:	None, though served.

Single Bench: Hon'ble Shri Sanjay S. Agrawal, J

Award On Board

06.03.2020

1. Since all these Appeals arise out of a common judgment involving the common questions of law, they are being disposed of by this common order/award. The parties to this Appeal shall be referred hereinafter as per their descriptions in the Claims Tribunal.

2. Briefly stated, the facts of the case are that on 20.10.2007, deceased Khirendra Kashyap, Sohan Patel @ Jhannu and Kanhaiya Lal Mali and others were returning from Mayyar to Jagdalpur while travelling in the offending vehicle i.e. "Tata Sumo" bearing Registration No.CG 17 D 0468, which was owned by their friend namely Krishna Yadav, Non-Applicant No.2 and was insured with Non-Applicant No.3, the United India Insurance Company Limited. At the relevant time, it was being driven in a rash and negligent manner by its driver Somaru Ram @ Samaru Ram, Non-Applicant No.1, as a result of which, it fell down in Chichaadi Nala of village Farasgaon. Owing to the said accident, deceased persons were injured badly and died on the spot. A report was, therefore, lodged before the concerned police station where, the offence punishable under Sections 279, 337 and 304-A IPC has been

registered against the diver of the alleged offending vehicle in connection with Crime No.99/2007.

3. On account of the aforesaid accident, the Claimants being the legal representatives of the deceased Khirendra instituted a Claim Petition enumerated under Section 166 of the Motor Vehicles Act, 1988 (hereinafter referred to as 'the Act of 1988') claiming total amount of compensation to the tune of Rs.11,53,000/- under various heads by submitting *inter alia* that deceased Khirendra was a *siksha karmi,* Grade-III in Janpad Panchayat, Bastar and used to earn Rs.4,000/- per month. The said claim Petition was registered as Claim Case No.45/2012, while claims instituted by the legal representatives of deceased Sohan Patel @ Jhannu and Kanhaiya Lal Mali were registered as Claim Case Nos.50/2012 and 51/2012 respectively whereby, they have claimed an amount of Rs.9,70,000/- and 9,64,000/- respectively by alleging that deceased Sohan Patel @ Jhannu and Kanhaiya Lal Mali were shop keepers and used to earn Rs.5,000/- and Rs.4,000/- respectively.

4. The aforesaid claims have been contested by Non-Applicants No.1 & 2, the driver and owner of the vehicle in question by saying that the driver of it was holding valid and effective driving license and since the vehicle in question was insured with the United India Insurance Company Limited, therefore, in case of any liability being fastened, the same could be indemnified by the said insurer. While, Non-Applicant No.3, the Insurance Company contested the claim on the ground that the driver of the alleged offending vehicle was not possessing the valid and effective driving license and since the alleged vehicle insured as a private use was being used for carrying passengers in violation of the insurance policy, therefore, no liability

could be fastened upon it.

5. After considering the evidence led by the parties, it has been held by the Tribunal that the alleged accident occurred on 20.10.2007 due to rash and negligent driving of the driver of the offending vehicle, who possessed valid and effective driving license and held further that it was not being used for carrying passengers on hire in violation of the policy. In consequence, while fastening the liability upon the Insurance Company, the Tribunal has awarded total amount of compensation to the tune of Rs.5,52,640/-, Rs.3,16,000/- and Rs.2,80,000/- respectively with interest @ 6% per annum from the date of filing of the claim Petition till its realization.

6. Being aggrieved, these Appeals have been preferred by the insurer as well as by the legal representatives of the deceased persons. Shri Dashrath Gupta, learned Counsel for the Appellants in M.A(C) No.1087/2013, M.A(C) No.1088/2013 and M.A(C) No.1089/2013 submits that the award impugned as passed by the Tribunal while fastening the liability upon the Insurance Company is apparently contrary to law. According to him, the driver Somaru Ram @ Samaru Ram was a minor when the alleged driving license [Ex.N-2(C)] was issued, therefore, it cannot be held that he was authorized to drive the alleged offending vehicle, i.e. "Tata Sumo". It is contended further that the alleged offending vehicle was insured admittedly as private use and the deceased persons were travelling as passengers on hire in violation of the policy. However, without considering this fact in its proper manner, the Tribunal has erred in fastening the liability upon the Insurance Company on finding that it was not being used as such.

7. Shri Praveen Kumar Tulsiyan, learned Counsel appearing for the Claimants in M.A(C) No.164/14, M.A(C) No.166/2014 and M.A(C)

No.165/2014 submits that just and proper compensation payable to the Claimants has not been awarded as neither the monthly income of the deceased has been assessed properly nor the future prospects of their income were taken into consideration or proper amount of compensation towards conventional heads has been awarded. Having failed so, the Tribunal has committed an illegality in awarding meagre amount of compensation. In support, he placed his reliance upon the decision rendered in the matter of *National Insurance Company Limited vs. Pranay Sethi And Others* and *Magma General Insurance Company Limited vs. Nanu Ram Allias Chuhru Ram and Others* reported in **(2017) 16 Supreme Court Cases 680** and **(2018) 18 Supreme Court Cases 130.**

8. I have heard learned Counsel for the parties and perused the entire record carefully.

9. In Appeals i.e. M.A(C) No.1087/2013, M.A(C) No.1088/2013 and M.A(C) No.1089/2013 preferred by the Insurance Company, it has been contended therein that the driver was neither holding a valid and effective driving license nor the alleged offending vehicle was being used as a private car as it was carrying passengers on hire at the relevant point of time in violation of the policy. According to Shri Gupta, learned Counsel for the Appellant-Insurance Company, the driver Somaru Ram @ Samaru Ram was a minor at the time of the issuance of the alleged driving license [Ex.N-2(C)] and therefore, it cannot be held that he was authorized to drive the alleged vehicle. However, a bare perusal of the driving license of the said driver, marked as [Ex.N-2(C)] would reveal his date of birth as 25.03.1981 and therefore, it cannot be held at any stretch of imagination that he was minor or was not authorized to drive the same, as contended by Shri Gupta. Consequently, it

cannot be held that Somaru Ram @ Samaru Ram was not authorized to drive the same. Further contention of Shri Gupta regarding use of the alleged offending vehicle on hire is also noted to be rejected, as I do not find any cogent and reliable evidence led by the insurer in this regard. Even the investigator of the Appellant/Insurance Company namely Deepak Trivedi, who was examined as N.A.W-3 has admitted at paragraph-7 in his cross-examination that he did not get any receipt during investigation regarding the use of the vehicle in question on hire. In consequence, the Claims Tribunal has not committed any illegality in fastening the liability upon the Insurance Company.

10. Consequently, I do not find any substance in M.A(C) No.1087/2013, M.A(C) No.1088/2013 and M.A(C) No.1089/2013, preferred by the Appellant/Insurance Company, which are accordingly dismissed.

11. As far as Appeals being M.A(C) No.164/2014, M.A(C) No.166/2014 and M.A(C) No.165/2014 preferred by the Claimants are concerned, it appears that the amount of compensation as awarded by the Claims Tribunal without considering the future prospects of the income of the deceased and/or without considering the just and proper amount of compensation under the conventional heads deserves to be enhanced and/or modified.

12. A Constitution Bench of the Supreme Court in the matter of “National Insurance Company Limited vs. Pranay Sethi” (supra) has held with regard to the issue of future prospects, that in case the deceased was a permanent employee and was below the age of 40 years, an addition of 50% of the income of the deceased should be granted towards future prospects of his income and in case the deceased was self employed or on a fixed salary and was below the age of 40 years, an addition of 40% of the established income

should be granted towards future prospects of his income. According to the said judgment, the various amounts are to be awarded as compensation under the conventional heads in case of death. The relevant extract of the said judgment as mentioned at paragraph-52 is reproduced as under:-

> "52............It seems to us that reasonable figures on conventional heads, namely, loss of estate, loss of consortium and funeral expenses should be Rs.15,000, Rs.40,000 and Rs.15,000 respectively. The principle of revisiting the said heads is an acceptable principle. But the revisit should not be fact-centric or quantum-centric. We think that it would be condign that the amount that we have quantified should be enhanced on percentage basis in every three years and the enhancement should be at the rate of 10% in a span of three years.........."

13. In the matter of "Magma General Insurance Company Limited vs. Nanu Ram Allias Chuhru Ram and Others" (supra) wherein, it has been held by the Supreme Court that the amount of compensation under "loss of consortium" will be governed by the principles as laid in the aforesaid decision of "National Insurance Company Limited vs. Pranay Sethi And Others" (supra) and held further that the filial consortium is the right of the parents to compensation in the case of an accidental death of a child as it causes great shock and agony to them and family of the deceased. It accordingly held at paragraph-23 as under:-

> "23. The Motor Vehicles Act is a beneficial legislation aimed at providing relief to the victims of their families, in cases of genuine claims. In case where a parent has lost their minor child, or unmarried son or daughter, the parents are entitled to be awarded loss of consortium under the head of filial consortium. Parental consortium is awarded to children who lose their parents in motor vehicle accidents under the Act. A few High Courts have awarded compensation on this count. However, there was no clarity with

> respect to the principles on which compensation could be awarded on loss of filial consortium. "

14. In the present case, the Claimants have lost their unmarried sons on an accident occurred on 20.10.2007, who were found to be below the age of 40 years and are, thus entitled to amount of compensation in the light of the principles laid down in the aforesaid decisions.

15. In M.A(C) No.164/2014, "Smt. Shanti Devi Kashyap & Ors Somaru Ram @ Samaru Ram & Ors", it appears that deceased Khirendra Kashyap, a 24 year old was a *shiksha karmi* Grade-III in Janpad Panchayat, Bastar and used to earn Rs.3,990/-, rounded of to Rs.4,000/-, per month and his widowed mother Smt Shanti Devi and younger brother and sister were dependents upon him. As such, the Tribunal has rightly deducted 1/3rd of his income towards his personal and living expenses, however, future prospects of his income to the extent of 50% was also required to be taken into consideration in the light of the principles laid down in the said matter of "National Insurance Company Limited vs. Pranay Sethi And Others (supra)", as he was a permanent Government employee and was found to be 24 years old at the relevant time.

16. Considering the facts and circumstances of the case and that by considering the income of the deceased as Rs.4,000/- per month, yearly Rs.48,000/- and that by adding 50% of it, i.e. Rs.24,000/- towards future prospects of his income, then yearly income would come to Rs.72,000/- (Rs.48,000/- + Rs.24,000/-) and by deducting 1/3 of it, i.e. Rs.24,000/- towards his personal and living expenses, yearly dependency would thus arrive at Rs.48,000/-(Rs.72,000/- - Rs.24,000/-). By applying the multiplier of 18 looking to the age of the deceased, who was found to be 24 years old at the

relevant time, the total dependency would thus arrive at Rs.8,64,000/- (Rs.48,000/- x 18). In addition to this, Claimants would be entitled to a sum of Rs.70,000/- towards conventional heads as under:-

	Mode of Compensation	Amount Rs.
i.	Loss of filial consortium to mother	40,000/-
ii.	Funeral Expenses	15,000/-
iii.	Loss of estate	15,000/-
	Total	70,000/-

17. The Claimants would thus be entitled to a total sum of Rs.9,34,000/-, instead of Rs.5,52,640/- as assessed by the Claims Tribunal with interest @ 6% per annum from the date of filing of the claim Petition till its realization in M.A(C) No.164/2014.

18. In M.A(C) No.166/2014, (Smt. Asalvati Patel and Ors vs. Somaru Ram @ Samaru Ram), it appears that deceased Sohan Patel @ Jhannu, a 25 year old, was alleged to have been a shop keeper, however, in absence of any cogent and reliable evidence, the Tribunal has rightly assessed his monthly income to the tune of Rs.3,000/-. Since he was unmarried, therefore, half of his income has also rightly been deducted towards his personal and living expenses by the Tribunal, but while awarding the compensation payable to the Claimants, future prospects of his income to the extent of 40% ought to have been taken into consideration, as he was self employed and was found to be 25 years old at the time of the accident, apart from just and proper compensation under the conventional heads.

19. Considering the monthly income of the deceased as Rs.3,000/-, yearly Rs.36,000/- and that by adding 40% of it, i.e. Rs.14,400/-, towards future

prospects of his income, the yearly income would thus be worked out at Rs.50,400/- (Rs.36,000/- + Rs.14,400/-) and since he was unmarried, therefore, by deducting half of it, i.e. Rs.25,200/- towards his personal and living expenses, the yearly dependency would thus arrive at Rs.25,200/-. By applying the multiplier of 18 looking to the age of the deceased, who was found to be 25 years old, the total dependency would thus be worked out at Rs.4,53,600/- (Rs.25,200/- x 18).

20. At this juncture, Mr. Tulsiyan, learned Counsel appearing for the Claimants while placing his reliance upon the decision rendered in the matter of "Magma General Insurance Company Limited vs. Nanu Ram Allias Chuhru Ram and Others" (supra), submits that since the father of the deceased Murlidhar was alive and therefore, filial consortium to the parents, i.e. father and mother should be awarded at the rate of Rs.40,000/- each in order to provide just and fair compensation payable to the Claimants. It is, however, contended by Mr. Gupta, learned Counsel appearing for the Insurance Company that since Murlidhar, the father of the deceased has passed away during the pendency of the Claim Petition, therefore, Claimants are not entitled to a filial consortium to the tune of Rs.40,000/- as alleged in this regard.

21. Upon due consideration of the aforesaid contention of learned Counsel for the parties, in my opinion, the Claimants would be entitled to filial consortium for the father-Murlidhar of the deceased, as he was alive at the time when the cause of action arose to the Claimants for instituting the claim Petition. It is the settled principles of law that the rights and liabilities of the parties are required to be determined when cause of action for filing the claim Petition arises. As found hereinabove, the father (Murlidhar) was alive at the relevant time, therefore, I deem it appropriate to award him (father), though not

alive as on date, and mother of the deceased, an amount of Rs.40,000/- each for loss of filial consortium to the Claimants in the light of the principles laid down in the matter of Magma General Insurance Company Limited vs. Nanu Ram Allias Chuhru Ram and Others (supra). Consequently, the Claimants would be entitled to a sum of Rs.1,10,000/- towards conventional heads as under:-

	Mode of Compensation	Amount Rs.
i.	Loss of filial consortium to parents @ Rs.40,000/- each as the father of the deceased namely Murlidhar was also alive at the relevant time	80,000/-
ii.	Funeral Expenses	15,000/-
iii.	Loss of estate	15,000/-
	Total	1,10,000/-

22. The Claimants would thus be entitled to a total sum of Rs.5,63,600/- (Rs.4,53,600 + Rs.1,10,000/-), instead of Rs.3,16,000/-, as assessed by the Tribunal with interest @ 6% per annum from the date of filing of the claim Petition till its realization in M.A(C) No.166/2014.

23. In M.A(C) No.165/2014, Nityanand Mali & Ors vs. Somaruram @ Samaru Ram, it appears that deceased Kanhaiya Lal Mali, a 22 year old, as evidenced by the postmortem reported marked as Ex.A-4, was alleged to have been a shop keeper, however in absence of any cogent and reliable evidence, the Tribunal has rightly assessed his income to the tune of Rs.3,000/- per month. Since he was unmarried, therefore, half of his income towards his personal and living expenses has rightly been deducted by the Tribunal, but while awarding the compensation to the Claimants, future prospects of his income to the extent of 40% ought to have been taken into consideration, as

he was a self employed and was found to be 22 years old at the relevant point of time, apart from just and proper compensation under the conventional heads. Mr Tulsiyan, learned Counsel for the Claimants would however submit at this stage that while determining the amount of compensation, the Tribunal has applied the multiplier of 15 by considering the age of the parents of the deceased. It, however, ought to have been 18 on the basis of the age of the deceased, who was 22 years old at the time of the accident.

24. Considering the facts and circumstances of the case and by considering the monthly income of the deceased to the tune of Rs.3,000/-, yearly Rs.36,000/- and by adding 40% of it, i.e. Rs.14,400/- towards future prospects of his income, the yearly income would thus be assessed as Rs.50,400/- (Rs.36,000/- + Rs.14,400/-) and by deducting half of it i.e. Rs.25,200/- towards his personal and living expenses, the yearly dependency would thus be worked out at Rs.25,200/-. By applying the multiplier of 18 looking to the age of the deceased, who was found to be 22 years old as evidenced by the postmortem report (Ex.A-4), the total dependency would thus be worked out at Rs.4,53,600/-. In addition to this, the Claimant would be entitled to a total sum of Rs.1,10,000/- towards the conventional heads as under:-

	Mode of Compensation	Amount (Rs.)
I.	Filial Consortium to parents at the rate of Rs.40,000/- each.	80,000/-
II	Funeral Expenses,	15,000/-
III	Loss of estate,	15,000/-
IV	Total	.1,10,000/-

25. The Claimants would thus be entitled to a total sum of Rs.5,63,600/- (Rs.4,53,600/- + Rs.1,10,000/-), instead of Rs.2,80,000/- as assessed by the

Claims Tribunal, along with 6% interest per annum from the date of filing of the Claim Petition till its realization in M.A(C) No.165/2014.

26. In view of the foregoing discussions, the Appeals preferred by the Insurance Company are accordingly dismissed, while the Appeals preferred by the Claimants are allowed in part to the extent indicated hereinabove. As far as other conditions as observed by the Claims Tribunal are concerned, they shall remain intact. No order as to costs.

Sd/-

(Sanjay S. Agrawal)
Judge

Priya