

HIGH COURT OF CHHATTISGARH, BILASPUR

MAC No. 757 of 2013

1. Smt.Revati Sahu, W/o Surajmani Sahu Aged About 60 Years
2. (Deleted) Surajmani Sahu S/o Deleted As Per Honble Court Order Dated 17-06-2019.
3. Ku. Pushpa Sahu D/o Surajmani Sahu Aged About 28 Years
4. Sanjay Kumar Sahu S/o Surajmani Sahu Aged About 24 Years
5. Santosh Kumar Sahu S/o Surajmani Sahu Aged About 22 Years
6. Shyam Sundar Sahu S/o Surajmani Sahu Aged About 20 Years

Occupation of all the appellants- NIL. All are R/o Ring Road, Namnakala, Ambikapur, P.S. And Tah. Ambikapur, District : Surguja (Ambikapur), Chhattisgarh

---- Appellants /Claimants

Versus

1. Atul Kumar Malik, S/o Rasik Malik, Aged About 45 Years Occupation Government servant, permanent resident of village Jafarpur, Police Station- Mangalpur, Distt. Jaijaipur (Orissa). Presently R/o C/o Commandant, 81 Battalion, C.R.P.F. Office, Near Circuit House, Manendragarh Road, Ambikapur, P.S. And Tah. Ambikapur, Distt. Surguja , Chhattisgarh
2. 81 Battalion C.R.P.F. Thru- The Commandant 81 Battalion, CRPF, Office- Near Circuit House, Manendragarh Road, Ambikapur, District : Surguja (Ambikapur), Chhattisgarh
3. Directorate General, Central Reserve Police Force, GPO Complex, Lodhi Road, New Delhi
4. Union of India Thru- The Ministry Of Home Affairs, New Delhi
5. State of Chhattisgarh Thru- The Collector, Sarguja, Ambikapur, District : Surguja (Ambikapur), Chhattisgarh

----Respondents /Defendants

For Appellants	: Shri Vivek Bhakta, Advocate
For Respondents-1 to 4/Union of India	: Shri B Gopa Kumar, Assistant Solicitor General
For Respondent- 5/State	: Shri Sudeep Agrawal, Additional AG

MAC No. 692 of 2013

1. The Secretary, Union of India, Ministry of Home Department, New Delhi
2. Director General of Central Reserve Police Force, G.P.O. Complex, Lodhi Road, New Delhi.
3. Commandant, CRPF 81 Battalion, Near Circuit House, Manendragarh Road, Ambikapur, Distt. Surguja C.G.

---- Appellants/Owners**Versus**

1. Smt. Revti Sahu, W/o Surajmani Sahu Aged About 60 Years
2. (Deleted) Surajmani Sahu (Died) S/o As Per Hon'ble Court Order Dated 12-09-2019
3. Ku. Pushpa Sahu D/o Surajmani Sahu Aged About 28 Years
4. Sanjay Kumar Sahu S/o Surajmani Sahu Aged About 24 Years
5. Santosh Kumar Sahu S/o Surajmani Sahu Aged About 22 Years
6. Shyam Sunder Sahu S/o Surajmani Sahu Aged About 20 Years

All r/o Ring Road, Namnakala, Ambikapur, PS Ambikapur, Distt Surguja (CG)
7. Atul Kumar Malik S/o Rasik Malik, Aged About 46 Years Occupation Government servant, permanent resident of village Jafarpur, Police Station- Mangalpur, Distt. Jajaiapur (Orissa). Presently R/o C/o Commandant, 81 Battalion, C.R.P.F. Office, Near Circuit House, Manendragarh Road, Ambikapur, P.S. And Tah. Ambikapur, Distt. Surguja , Chhattisgarh
8. State of Chhattisgarh Thru- Collector, Surguja, Ambikapur, District : Surguja (Ambikapur), Chhattisgarh

----Respondents/Claimants

For Appellants/Union of India	: Shri B Gopa Kumar, Assistant Solicitor General
For Respondents-1 to 6/claimants	: Shri Vivek Bhakta, Advocate
For Respondent- 8/State	: Shri Sudeep Agrawal, Additional AG

Hon'ble Shri PR Ramachandra Menon, Chief Justice &
Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

Per Parth Prateem Sahu, J.
30.06.2020

1. These two appeals are arising out of same impugned award passed on 15.04.2013 in Claim Case No.139 of 2012 by the 3rd Additional Motor Accident Claims Tribunal, Ambikapur, District Surguja, Chhattisgarh (for short, 'Claims Tribunal').
2. MAC-757 of 2013 is filed by the Claimants for seeking enhancement of amount of compensation awarded by learned Claims Tribunal and MAC-692 of 2013 is filed by respondents-2, 3 and 4/NA 2, 3 and 4, owner of offending vehicle stating that the award to be bad in law.
3. Facts relevant for disposal of these appeals are that on 28.07.2010 when Muralidhar Sahu (since deceased) was travelling on his Aactiva and going to Namnakala from Gandhi chowk, met with an accident with a Tanker bearing No.UP32-AN 4043 (for short, 'offending vehicle'), driven by NA-1.
4. In the aforementioned accident, Muralidhar Sahu suffered grievous injuries on his person and succumbed to those injuries. Claimants who are parents and siblings of deceased, filed claim application seeking total compensation of Rs.45,00,000/-, mentioning therein that deceased Muralidhar Sahu was a Government servant, working as Constable with Reserve Police and posted at Kanker. He was earning Rs.12,000/- per month but after his death, claimants deprived of earning of deceased Muralidhar Sahu.

5. NA1/driver of offending vehicle submitted reply to claim application mentioning therein that he was driving offending vehicle very slowly and carefully. At the time of accident, deceased tried to overtake the offending vehicle from backside and dashed with road divider and met with an accident. In his pleading, NA1 specifically denied the fact of accident from his vehicle.

6. NA 2 to 4/Owner of offending vehicle also submitted separate reply to the claim application and taken the same defence as of NA1, driver of offending vehicle.

7. NA5 / State Government pleaded that deceased died in a motor accident on 28.07.2010 at about 7.30 pm.

8. Learned Claims Tribunal upon appreciation of pleadings and evidence placed on record by respective parties, arrived at a finding that NA1/driver while driving offending vehicle, dashed the Activa of deceased and caused accident. Further it recorded a finding that there was no contributory negligence on the part of driver of Activa ie deceased and held that Muralidhar Sahu died due to motor accidental injuries on account of rash and negligent driving of offending vehicle by NA1 and awarded a total sum of Rs.11,34,672/- .

9. Shri Vivek Bhakta, learned counsel for the claimants submits that learned Claims Tribunal has erroneously deducted 50% of income of the deceased towards his living and personal expenses, without considering number claimants in the case; not awarded any amount towards future prospects even though deceased was a permanent Government

employee, who was aged about 32 years only on the date of accident; and in awarding very less amount of compensation on other conventional heads. He further submits that deceased was having a bright future and looking to his long service period, there was every possibility of getting promotion in future, which learned Claims Tribunal has not considered and therefore, he prays for enhancement of amount of compensation suitably.

10. Per contra, Shri B Gopa Kumar, learned Assistant Solicitor General appearing for Union of India submits that learned Claims Tribunal has not considered the pleadings and evidence in its entirety and arrived at an erroneous finding that the vehicle owned by the appellants in MAC-757 of 2013 is involved in the accident. He further submits that accident took place on account of gross negligence of deceased himself as he dashed with the divider while trying to overtake it. Claimants are not entitled for any amount of compensation to be paid as there is no involvement of offending vehicle in the accident. It is also contended that the deceased was not possessing valid and effective driving license to drive two wheeler, the Insurance Company of the two wheeler was not arrayed as party non-applicants which is necessary party and multiplier applied is on higher side overlooking to the fact that claimants are parents and siblings. Further, in alternate to his first submission, it is submitted that award passed by learned Claims Tribunal looking to the claimants to be parents and siblings, calculated income as pleaded in the claim application and awarded just and proper amount of compensation, which do not call for any interference. Learned counsel for the Union of India raised a ground

that as on the date of accident, deceased was holding only a learners license and therefore, there is negligence on the part of deceased himself for the accident and also, deceased drove the Aactiva contrary to the Motor Vehicles Act, 1988.

11. Looking to the rival contentions made by the respective counsels in both these appeals, we deem it fit and proper to appreciate the submissions made by learned counsel for NA 2 to 4/Union of India, who owned the offending vehicle.

12. Claimants in respect of their claim application and pleading, have placed on record copy of Final Report as Ex.P1, copy of FIR as Ex.P2, Post-mortem report as Ex.P3 and Seizure memo as Ex.P5.

13. Perusal of copy of FIR which has been lodged within three hours of the accident on the same day ie on 28.07.2010 would show NA1/driver of offending vehicle as accused. Further, contents of FIR mention that informant was taking tea in a hotel and after hearing noise like of accident, they came out and saw rider of Aactiva lying on the road and offending vehicle driver drove the vehicle backside and also tried to flee from the place of accident. Informant also found that rider of Aactiva suffered injury on his head and was lying dead. It is also mentioned in FIR that death of deceased was on account of knocking-down by offending vehicle, driven by NA1. Deceased suffered injuries lacerated scalp, multiple compound and depressed fracture of skull and brain matter out from fracture site, as it is mentioned in the post-mortem report.

14. Claimants in support of their case, have examined Applicant-1 as AW1, Applicant-6 as AW2 and one Vishal Sharma as AW3. Vishal Sharma has been examined as an eyewitness to the accident. In his evidence, he specifically stated that accident took place during the rainy season. At the time of accident, he was sitting outside Gupta hotel. Deceased was travelling on his Activa in front of offending vehicle and due to rash and negligent driving by its driver, offending vehicle dashed the Activa from its corner. He also stated that he saw Activa being knocked-down by offending vehicle, deceased was thrown away from the Activa and fell down on road. This witness was cross-examined by learned counsel representing Non-Applicants, in which he admits that at the place of accident, there was light. This witness denies the suggestion given to him that the sound he heard was like dashing of Activa with divider. In his cross-examination, he further stated that he has not seen the accident exactly but denied suggestion given to him that accident took place while deceased trying to overtake the offending vehicle.

15. NA1, driver of offending vehicle was examined as NAW-1 and in his evidence, it is admitted that he did not see the deceased trying to overtake offending vehicle and in his reply to claim application in Paragraph-14 it is mentioned that at the time of overtaking, he could not say as to how it is mentioned there. He also admits that he has not made any application/complaint in Police Station or before any higher Police authority that he is being implicated in false case.

16. Harishchand Joshi, Sub-Inspector of CRPF, was examined as NAW2. In his evidence he admits that being an employee in the Police

Department, he is aware that any incident or offence, is required to be reported to the Police Station. He further admits that he has not made any complaint/report to the Police, though he submits that his higher officer went to Police Station to report the accident but had not brought copy of report with him.

17. This submission of NA1 that deceased was only having learner's license is not sustainable on the ground that driving of two-wheeler, even if without license, will entail imposing fine or other action against him. But claim application on that ground only, cannot be dismissed.

18. Another ground raised by Shri B Gopa Kumar, learned counsel for the Union of India that insurer of Aactiva has not been implied as Non-Applicant in claim application is also not sustainable because for filing claim application against any offending vehicle, other vehicle involved in the accident is not necessary party.

19. While considering the evidence placed on record by respective parties and also that proof of accident does not require strict application of Evidence Act, learned Claims Tribunal has further taken note of criminal case registered against NA1, driver of offending vehicle, nature of injuries suffered by deceased on his head, where from brain matter came out from the fracture site have considered that there is involvement of offending vehicle dashing the Aactiva and further considering evidence of eyewitness Vishal Sharma, learned Claims Tribunal further considered that NA1 tried to lodge report in Police Station through his higher official but prior to that, eyewitness has already lodged FIR with regard to the accident. It is

further considered that NA1, driver of offending vehicle has been acquitted from the charges in Criminal Case as well as from Departmental Enquiry, but held that acquittal from the criminal charges itself will not infer that there was no accident.

20. Claim cases are to be decided on the touch stone of preponderance and probabilities as held by Hon'ble Supreme Court in the matter of **Mangla Ram Vs Oriental Insurance Company Limited and others** reported in (2018) 5 SCC 656. In this case, it is held thus:

“25. In *Dulcina Fernandes* (supra), this Court examined similar situation where the evidence of claimant's eyewitness was discarded by the Tribunal and that the respondent in that case was acquitted in the criminal case concerning the accident. This Court, however, opined that it cannot be overlooked that upon investigation of the case registered against the respondent, prima facie, materials showing negligence were found to put him on trial. The Court restated the settled principle that the evidence of the claimants ought to be examined by the Tribunal on the touchstone of preponderance of probability and certainly the standard of proof beyond reasonable doubt could not have been applied as noted in *Bimla Devi* (supra). In paragraphs 8 & 9, of the reported decision, the dictum in *United India Insurance Co. Ltd. Vs. Shila Datta*, has been adverted to as under (*Dulcina Fernandes* Case, SCC p. 650)

“8. In *United India Insurance Co. Ltd. V. Shila Datta*²⁰ while considering the nature of a claim petition under the Motor Vehicles Act, 1988 a three-Judge Bench of this Court has culled out certain propositions of which Propositions (ii), (v) and (vi) would be relevant to the facts of the present case and, therefore, may be extracted herein below: (SCC p. 518, para 10)

‘10. (ii) The rules of the pleadings do not strictly apply as the claimant is required to make an application in a form prescribed under the Act. In fact, there is no pleading where the proceedings are suo motu initiated by the Tribunal.

* * *

(v) Though the Tribunal adjudicates on a claim and determines the compensation, it does not do so as in an adversarial litigation. ...

(vi) The Tribunal is required to follow such summary procedure as it thinks fit. It may choose one or more persons possessing special knowledge of and matters relevant to inquiry, to assist it in holding the enquiry.'

9. The following further observation available in para 10 of the Report would require specific note: (Shila Datta case, SCC p. 519)

'10. ... We have referred to the aforesaid provisions to show that an award by the Tribunal cannot be seen as an adversarial adjudication between the litigating parties to a dispute, but a statutory determination of compensation on the occurrence of an accident, after due enquiry, in accordance with the statute.'

In paragraph 10 Dulcina Fernandes and Ors. (supra), the Court opined that non-examination of witness per se cannot be treated as fatal to the claim set up before the Tribunal. In other words, the approach of the Tribunal should be holistic analysis of the entire pleadings and evidence by applying the principles of preponderance of probability.

26. In the above conspectus, the appellant is justified in contending that the High Court committed manifest error in reversing the holistic view of the Tribunal in reference to the statements of witnesses forming part of the charge-sheet, FIR, Jeep Seizure Report in particular, to hold that Jeep No.RST4701 driven by respondent No.2 was involved in the accident in question. Indeed, the High Court was impressed by the Mechanical Investigation Report (Exh. 5) which stated that only a scratch mark on the mudguard of the left tyre of the vehicle had been noted. On that basis, it proceeded to observe that the same was in contradiction to the claim of the appellant (claimant), ruling out the possibility of involvement of the vehicle in the accident. This conclusion is based on surmises and conjectures and also in disregard of the relevant fact that the vehicle was seized by the police after investigation, only after one month from the date of the accident and the possibility of the same having been repaired in the meantime could not be ruled out. In other words, the reasons which

weighed with the High Court for reversing the finding of fact recorded by the Tribunal upon holistic analysis of the entire evidence, about the involvement of Jeep No.RST 4701 in the accident, cannot be countenanced. For, those reasons do not affect the other overwhelming circumstances and evidence which has come on record and commended to the Tribunal about the involvement of the subject jeep in the accident in question. This being the main edifice, for which the High Court allowed the appeal preferred by Respondent Nos.2 & 3, it must necessarily follow that the finding of fact recorded by the Tribunal on the factum of involvement of Jeep No. RST 4701 in the accident in question will have to be restored for reasons noted hitherto.

27. Another reason which weighed with the High Court to interfere in the First Appeal filed by respondent Nos.2 & 3, was absence of finding by the Tribunal about the factum of negligence of the driver of the subject jeep. Factually, this view is untenable. Our understanding of the analysis done by the Tribunal is to hold that Jeep No. RST 4701 was driven rashly and negligently by respondent No.2 when it collided with the motorcycle of the appellant leading to the accident. This can be discerned from the evidence of witnesses and the contents of the charge-sheet filed by the police, naming respondent No.2. This Court in a recent decision in *Dulcina Fernandes (supra)*, noted that the key of negligence on the part of the driver of the offending vehicle as set up by the claimants was required to be decided by the Tribunal on the touchstone of preponderance of probability and certainly not by standard of proof beyond reasonable doubt. Suffice it to observe that the exposition in the judgments already adverted to by us, filing of charge-sheet against Respondent No.2 *prima facie* points towards his complicity in driving the vehicle negligently and rashly. Further, even when the accused were to be acquitted in the criminal case, this Court opined that the same may be of no effect on the assessment of the liability required in respect of motor accident cases by the Tribunal.

28. Reliance placed upon the decisions in *Minu B Mehta (supra)* and *Meena Variyal (supra)*, by the respondents, in our opinion, is of no avail. The dictum in these cases is on the matter in issue in the concerned case. Similarly, even the dictum in the case of *Surender Kumar Arora (supra)*

will be of no avail. In the present case, considering the entirety of the pleadings, evidence and circumstances on record and in particular the finding recorded by the Tribunal on the factum of negligence of the respondent No.2, the driver of the offending jeep, the High Court committed manifest error in taking a contrary view which, in our opinion, is an error apparent on the face of record and manifestly wrong.

29. xxxxxx

30. And again, the Court, after adverting to the decisions in Charan Lal Sahu Vs. Union of India²³, Union Carbide Corpn. Vs. Union of India²⁴ and Gujarat SRTC Vs. Ramanbhai Prabhatbhai²⁵, in paragraphs 19 & 20, observed thus: (Kaushnuma Begum Case², SCC p. 15)

“19. Like any other common law principle, which is acceptable to our jurisprudence, the rule in Rylands v. Fletcher²¹ can be followed at least until any other new principle which excels the former can be evolved, or until legislation provides differently. Hence, we are disposed to adopt the rule in claims for compensation made in respect of motor accidents.

20. “No fault liability” envisaged in Section 140 of the MV Act is distinguishable from the rule of strict liability. In the former, the compensation amount is fixed and is payable even if any one of the exceptions to the rule can be applied. It is a statutory liability created without which the claimant should not get any amount under that count. Compensation on account of accident arising from the use of motor vehicles can be claimed under the common law even without the aid of a statute. The provisions of the MV Act permit that compensation paid under “no fault liability” can be deducted from the final amount awarded by the Tribunal. Therefore, these two are resting on two different premises. We are, therefore, of the opinion that even apart from Section 140 of the MV Act, a victim in an accident which occurred while using a motor vehicle, is entitled to get compensation from a Tribunal unless any one of the exceptions would apply. The Tribunal and the High Court have, therefore, gone into error in divesting the claimants of the compensation payable to them.”

21. Deceased Muralidhar Sahu died with accidental injuries suffered by him while drive his Aactiva. There is eyewitness to the accident, who saw presence of offending vehicle on the spot and after accident, driver of offending vehicle was reversing back the vehicle and flee away from the spot of accident. Vishal Sharma, eyewitness to the accident lodged FIR, specifically mentioning therein that accident occurred with offending vehicle, which was driven by NA1. He also entered into witness box as AW3 before learned Claims Tribunal and denied suggestions given to him that accident took place while dashing of Aactiva with divider or while trying to overtake the offending vehicle. The NA1 in his evidence also stated that he had not seen the deceased overtaking and admits that he don't know how it is mentioned in his reply.

22. In view of aforementioned material available on record, we find that there are evidences available on record showing probabilities of accident by offending vehicle and looking to the nature of evidence available on record, and taking into consideration the dictum of Hon'ble Supreme Court in case of **Mangla Ram** (supra), we do not find that learned Claims Tribunal has not committed any error in recording a finding of involvement of offending vehicle in the accident.

23. For the foregoing reasons, we do not find any error in the finding recorded by learned Claims Tribunal that accident is on account of rash and negligent driving of offending vehicle by NA1 and deceased Muralidhar Sahu died due to motor accidental injuries suffered by him.

24. For the aforementioned reasons, ground raised by learned counsel for the Union of India that there is no involvement of offending vehicle in the accident is not sustainable and is hereby repelled. The submission of learned counsel for the Union of India that on the date of accident deceased was holding only learner's license, has no significance because it will attract only penalty under the Motor Vehicles Act, 1988. There is no proof that deceased was not acquainted with driving two wheeler without gear. Hon'ble Supreme Court in the matter of **Mangla Ram** (supra) held thus:

“33. In other words, we are inclined to hold that there is no tittle of evidence about the motorcycle being driven negligently by the appellant at the time of accident. The respondents did not produce any such evidence. That fact, therefore, cannot be assumed. Resultantly, the argument of the respondents that the appellant did not possess a valid motorcycle driving licence at the time of accident, will be of no significance. Thus, we hold that there is no legal evidence to answer the issue of contributory negligence against the appellant.”

25. Now, we will deal with the appeal filed by the claimants for enhancement of award.

26. Claimants have not challenged income of deceased assessed by Tribunal for calculating amount of compensation, which is based on details of pay issued by the Office of Commandant, CTJW Collage, Kanker, which shows gross salary of deceased as Rs.11,632/- at the time of accident. NA 1 to 4, driver and owner of offending vehicle also have not challenged assessment of monthly income of deceased. Therefore, said income assessed by learned Claims Tribunal is taken as it is.

27. Deceased was aged about 32 years on the date of accident. He was Government servant and in permanent employment at the time of his death. Therefore, in view of law laid down by Hon'ble Supreme Court in the matter of **National Insurance Company Limited Vs Pranay Sethi and others** reported in **2017 16 SCC 680**, there will be an addition of 50% of established income of deceased towards his future prospects, for assessing total monthly income of deceased, as learned Claims Tribunal has not awarded any amount towards future prospects of deceased, which claimants will be entitled for.

28. So far as other grounds with regard to the multiplier and claimants to be major siblings of deceased while granting compensation are concerned, law is well settled in this regard in case of **Sube Singh and another Vs Shyam Singh (dead) and others** reported in 2018 (3) SCC 18 that multiplier is to be applied taking into consideration age of deceased on the date of accident, deceased being 32 years of age, learned Claims Tribunal rightly applied multiplier of 16 as held by Hon'ble Supreme Court in the matter of **Sarla Verma** (supra), even if claimants 4 to 6 are not to be considered as dependants, then also, parents of deceased, particularly, mother of deceased is being treated to be dependant upon the deceased and learned Claims Tribunal has deducted 50% of amount towards personal and living expenses of deceased as held by Hon'ble Supreme Court in the matter of **Sarla Verma** (supra).

29. Learned Claims Tribunal looking to the fact that deceased was bachelor and claimants are his parents and siblings, rightly deducted 50% of his income towards personal and living expenses of deceased while

calculating compensation and also rightly applied multiplier of 16 as held by Hon'ble Supreme Court in the matter of **Sarla Verma (Smt) and Others Vs Delhi Transport Corporation and Another** reported in **(2009) 6 Supreme Court Cases 121**.

30. Learned Claims Tribunal awarded a sum of only Rs.20,000/- on other conventional heads, which in the opinion of this Court, is on lower side.

31. For the aforementioned discussions, amount of compensation requires recalculation.

32. Monthly income of deceased is Rs.11,632/- as found to be proved by learned Claims Tribunal and Rs.1,39,584/- (11632 x12) per annum. By adding 50% of established income towards future prospects, yearly income would come to Rs.2,09,376/- {139584 + (139584 x 50/100)}. There will be deduction of Income Tax as per slab. In the year 2010-11 exempted income is Rs.1,60,000/- and tax on income above Rs.1,60,000/- up to Rs.5,00,000/- is chargeable to 10%, therefore, taxable income is Rs.49,376.60 (209376—160000). 10% of Rs.49,376/- towards Income Tax is Rs.4,937.60. Now, net yearly income is Rs.2,04,438-40ps, rounded off to Rs.2,04,438/-. After deducting 50% towards personal and living expenses, yearly loss of dependency comes to Rs.1,02,219/- {204438 — (204438 x 50/100)}. By multiplying yearly loss of dependency with multiplier of 16, total loss of dependency would come to Rs.16,35,504/- (102219 x 16).

33. Apart from aforementioned amount of total loss of dependency, parents of deceased will be entitled for a sum of Rs.15,000/- towards funeral expenses, Rs.15,000/- towards loss of estate and Rs.40,000/- towards filial consortium.

34. Now, claimants are entitled for compensation of Rs.**17,05,504/-**, instead of Rs.11,34672/-. This amount shall carry interest @ 6% per annum from the date of filing of claim application till its realisation. Other conditions of learned Claims Tribunal will remain intact.

35. In the result, MAC 757 of 2013, filed by the claimants is allowed in part and MAC-692 of 2013 filed by driver of offending vehicle (NA1) and owner (NA2 to 4) is hereby dismissed. The impugned award is modified to the extent as indicated above.

Sd/-
(PR Ramachandra Menon)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge