

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Appeal (C) No.350 of 2014

National Insurance Company Limited, Mobin Mahal, G.E. Road,
Raipur, District Raipur (C.G.)

(Non-applicant No.3)
---- Appellant

Versus

1. Ganeshi Bai Nishad, W/o late Videshram @ Pardesh Nishad, aged about 22 years,
2. Subhash Nishad, S/o late Videshram @ Pardesh Nishad, aged about 5 years, minor through legal guardian mother Ganeshi Bai Nishad,
3. Mangli Bai, aged about 47 years, W/o Sadhram Nishad,

All are R/o Village Ghonghibahra, Post Sorid, Police Station
Mahasamund, District Mahasamund (C.G.)

(Applicants)

4. Rajesh Yadav, aged about 30 years, S/o Shri Khetri Yadav, R/o Ghasidas Nagar, Kelabadi, Durg, District Durg (C.G.) at present Khadan No.4 of Abhishek Agrawal, Nakti, Mandir Hassaud, Police Station Mandir Hassaud, District Raipur (C.G.)
5. M.S. Shri Radha Gopinath Mining and Training Company, Proprietor Abhishek Agrawal, S/o late R.S. Agrawal, R/o Malviya Road, Police Station Kotwali, District Raipur (C.G.)

(Non-applicants)
---- Respondents

For Appellant: Mr. Goutam Khetrapal, Advocate.

For Respondents No.1 to 4: -

None present, though served.

For Respondent No.5: -

Mr. Mayank Chandrakar, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

30/11/2021

1. This is quantum appeal of the Insurance Company questioning the award dated 30-9-2013 passed by the Chief Motor Accident Claims Tribunal, Raipur in Claim Case No.42/2012, by which an amount of ₹

7,55,000/- has been granted to the claimants along with 6% interest.

2. Mr. Goutam Khetrapal, learned counsel appearing for the appellant Insurance Company, would vehemently submit that though the amount of compensation ₹ 5,30,400/- appears to be reasonable, but the amount of ₹ 1,00,000/- granted towards loss of consortium and ₹ 25,000/- on other heads for want of love and affection to respondents No.2 & 3 appear to be on higher side, therefore, it is liable to be set aside, as under conventional heads, more than ₹ 7,000/- cannot be granted.
3. None present for respondents No.1 to 4, though served.
4. I have heard learned counsel for the parties and considered the submissions made herein-above and also went through the record with utmost circumspection.
5. The amount of ₹ 5,30,400/- granted towards grant of compensation is not disputed, the only dispute is with regard to the amount granted towards loss of consortium i.e. ₹ 1,00,000/- and the amount of ₹ 25,000/- granted under the head of loss of love and affection, on account of death of the father of respondent No.2 herein.
6. After considering the submission of learned counsel for the appellant Insurance Company and after going through the record, though the amount of loss of consortium and the amount of compensation granted under other conventional heads appears to be on higher side, but in the facts and circumstances of the present case, where the award is of the year 2013. Moreover, income of the deceased has been assessed on lower side as ₹ 2,600/- per month, whereas, the deceased was working as labour and in any case it would be not less than ₹ 150/- per day, thereby ₹ 4,500/- per month. In that view of the

matter, I do not find it a fit case to interfere in the impugned award and accordingly, the appeal filed by the Insurance Company is dismissed.

No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Soma