

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MAC No. 1194 of 2014**

1. Smt.Nutan Sharma And Ors. W/o Late Sanat Sharma Aged About 38 Years R/o Nandgaon, P.S. Mahasamund, Distt. Mahasamund C.G., At Present- C/o Shiv Kumar Upadhyay Chourasiya Colony, Mathpuraina, Raipur, Distt. Raipur C.G.
2. Ku. Preeti Sharma D/o Late Sanat Sharma Aged About 11 Years Minor, Thru-Mother Smt. Nutan Sharma, R/o Nandgaon, P.S. Mahasamund, Distt. Mahasamund C.G., At Present- C/o Shiv Kumar Upadhyay Chourasiya Colony, Mathpuraina, Raipur, Distt. Raipur C.G.
3. Ku. Aakriti Sharma D/o Late Sanat Sharma Aged About 4 Years Minor, Thru-Mother Smt. Nutan Sharma, R/o Nandgaon, P.S. Mahasamund, Distt. Mahasamund C.G., At Present- C/o Shiv Kumar Upadhyay Chourasiya Colony, Mathpuraina, Raipur, Distt. Raipur C.G.

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1. Ramanand Yadav And Ors. S/o Devraj Yadav Aged About 40 Years R/o Padkikala, P.S. Tarwa, Tah. Lalganj, Distt. Jaitpur U.P., At Present R/o Kashipur, P.S. Chitpur 57/7, P.V. Road, Kolkata West Bengal, West Bengal
2. Smt. Rekha Ghosh W/o D.K. Ghosh R/o 2 Vivekanand Colony, Panihati, Post-Sotpur, 106 B.T. Road, Kolkata W.B., District : Kolkata, West Bengal
3. Reliance General Insu. Co. Ltd. W/o Ravi Bhawan, 4th Floor, G.E. Road, Raipur, Tah. And Distt. Raipur C.G.

---- Respondents

For Appellants : Shri Mayank Chandrakar, Advocate

For Respondent No.3 : Shri Ratan Pusty, Advocate

S.B.: Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****02/12/2021**

1. This appeal has been preferred by the claimants under Section 173 of the Motor Vehicles Act, 1988 seeking enhancement of the award dated

06/08/2014 passed by the Claims Tribunal whereby the Tribunal has awarded a total amount of compensation to the tune of Rs.6,31,000/- along with 9% interest per annum.

2. Shri Mayank Chandrakar, learned counsel for the appellants, would submit that monthly income of the deceased has been assessed on lower side and not considering the increase of income @ 25% towards future prospects. It is submitted that looking to the number of dependents of the deceased, the compensation awarded be enhanced suitably.

3. I have heard learned counsel for the appellants, considered his submissions made herein above and also went through the records with utmost circumspection.

4. Till the date of death i.e. 09/06/2012, the deceased was working as Munshi in the floor stone factory. The compensation could have been assessed on the basis of monthly income as Rs.4,500/- per month instead of Rs.3,000/- as there are three legal representatives of the deceased. Therefore, it would be appropriate to modify the assessment of compensation in the light of law laid down in the case of **National Insurance Co. Ltd v. Pranay Sethi and ors., (2017) 16 SCC 680**. Therefore, 1/3rd has to be deducted towards personal expenses and the claimants would also be entitled to 40% of the income for future prospects and towards conventional heads, the claimants would be entitled for total Rs.70,000/-.

5. Accordingly, in the light of aforesaid decision, the award impugned is

modified in the following manner -

1	Notional Monthly Income	Rs.4500/-
2.	40% future prospects	Rs.1800/-
	TOTAL	Rs.6300/-
3.	Deduction : @1/3rd of 4500/-	Rs.1500/-
	TOTAL	Rs.4800/-
4.	For 12 months	(4800 x 12) = 57600/-
5.	Multiplier 17 applied	57600 x 17 = 979200/-
6.	Conventional heads	Rs.70,000/-
	TOTAL COMPENSATION	Rs.10,49,200/- (Rs.9,79,200 + Rs.70,000) with interest @ 6% p.a.

6. On the totality of the facts and circumstances of the case, the total compensation works out to Rs.10,49,200/- which the claimants are entitled to along with 6% interest per annum from the date of making the claim. The additional amount of compensation shall be deposited within 60 days.

7. In the result, the appeal filed by the claimants is allowed in part to the extent indicated as above. No order as to cost (s)

Sd/-
(Sanjay K. Agrawal)
Judge