

HIGH COURT OF CHHATTISGARH, BILASPURMiscellaneous Appeal (C) No.672 of 2018

1. Smt. Aasmati @ Aaso, W/o Late Sinda @ Sidheshwar Yadav, Aged about 45 years
2. Mohan, S/o Late Sinda @ Sidheshwar Yadav, Aged about 27 years
3. Sohan @ Lalit, S/o Late Sinda @ Sidheshwar Yadav, Aged about 25 years

All R/o Village Bastar Para, Baagbahaar, Distt. Bastar, C.G.

(Claimants)
---- Appellants

Versus

1. Dayaram, S/o Gayaprashad, Caste Nai, Aged about 53 years, R/o Gobariya, Thana Shrirampur, Present Add. Anuj Kumar Singh, S/o Vishwanath Singh, Shanti Nagar Ward, Near Durga Temple, Jagdalpur, District Bastar, C.G. (Driver of the vehicle)
2. Anuj Kumar Singh, S/o Vishwanath Singh, Shanti Nagar Ward, Near Durga Temple, Jagdalpur, District Bastar, C.G. (Owner of the vehicle)
3. The Oriental Insurance Co. Ltd., Through the Branch Manager, Oriental Insurance Co. Ltd., Laxman Avenue, Murti Line Road, Jagdalpur, District Bastar, C.G. (Insurer of the offending vehicle)
(Non-applicants)
---- Respondents

For Appellants: Mr. Vikas A. Shrivastava, Advocate.

For Respondent No.3: -

Mr. R.N. Pusty, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

03/12/2021

1. For death of Sinda @ Sidheshwar, aged about 48 years, compensation of ₹ 3,46,800/- has been awarded along with 9% interest per annum from the date of application i.e. 20-1-2016 against which this appeal has been preferred seeking enhancement.
2. Heard learned counsel for the parties and considered their

submissions and also went through the record with utmost circumspection.

3. Date of death of the deceased is 26-8-2015, but the Claims Tribunal has assessed the monthly income of the deceased as ₹ 3,000/-. Taking into consideration the Minimum Wages Act prescribed in the State of Chhattisgarh, relevant monthly income of the deceased would be ₹ 5,787/-, accordingly, it is taken and rounded off to ₹ 5,800/-; adding 10% towards future prospects it comes to ₹ 6,380/-. Accordingly, annual dependency would be ₹ 76,560/-. Deducting $\frac{1}{4}$ th towards personal living expenses, annual dependency would come to ₹ 57,420/- and applying the multiplier of 11, total dependency would come to ₹ 6,31,620/-.
4. Following amount of compensation is awarded under the relevant conventional and traditional heads: -

(i)	Loss of consortium	₹ 10,000/-
ii)	Funeral expenses	₹ 10,000/-
(iii)	Loss of estate	₹ 10,000/-

5. According to the Constitution Bench of the Supreme Court in the matter of **National Insurance Company Limited v. Pranay Sethi and others**¹ ₹ 70,000/- would be added to the total dependency towards conventional head which would come to ₹ 7,01,620/-.
6. On totality of the facts and circumstances of the case, the total compensation works out to ₹ 7,31,620/- (7,01,620 + 10,000 + 10,000 + 10,000) which the claimants are entitled to along with 9% interest per annum from the date of making the claim application. The additional compensation shall be deposited within 3 months from today.

1 (2017) 16 SCC 680

7. The appeal is allowed to the extent indicated herein-above. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Soma