

HIGH COURT OF CHHATTISGARH, BILASPUR**MAC NO.1609 of 2019**

Shriram General Insurance Co.Ltd., Krishna Shopping Mall,
Dhimarpur Road, Raigarh, Tehsil and District Raigarh,
Chhattisgarh

----- Appellant

Versus

1. Smt.Savita Mandal, wife of late Shri Sohan Mandal, aged about 24 years
2. Krishna Mandal, son of Late Shri Sohan Mandal, aged about 3 years

Being a minor through her natural guardian Smt.Savita Mandal, wife of late Shri Sohan Mandal, being her mother

Both respondent No.1 and 2 are residents of Prem Nagar Colony, Dharamjaigarh, Tehsil Dharamjaigarh, District Raigarh, Chhattisgarh

3. Santosh Kumar Yadav, son of Shri Bhagwan Yadav, aged about 37 years, resident of village Raitbadi, Thana, Tehsil and District Chandrapur, Maharashtra
4. Abdul Menon Khan, son of Shri Ainulla Khan, through Kumar Road Lines Chokaranala, Raipur, Tehsil and District Raipur, Chhattisgarh

----- Respondents

For Appellant	:	Mr.Amrito Das, Advocate
For Respondents No.1&2	:	Mr.Sunil Sahu, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal
Order on Board

30/11/2021

1. Heard on admission.
2. Mr.Amrito Das, learned counsel for the appellant, would submit that amount of ₹ 1,00,000/- granted towards loss of consortium, amount of ₹ 1,00,000/- towards love and affection and amount of ₹ 1,00,000/- towards loss of estate is absolutely unreasonable and shockingly high, therefore, it

is liable to be reduced.

3. On the other hand, Mr. Sunil Sahu, learned counsel for respondents No.1 and 2 / claimants, would submit that it is reasonable amount and no permission under Section 170 of the Motor Vehicles Act, 1988 (hereinafter called as 'Act of 1988') was granted in favour of the appellant Company to contest on quantum. Therefore, no interference is warranted.
4. I have heard learned counsel for the parties, considered their rival submissions made hereinabove and also went through the records with utmost circumspection.
5. Though amount of compensation granted towards conventional head i.e., ₹ 3,00,000/- is slightly on higher side, but considering the fact that amount of compensation granted to the claimants otherwise is on lower side and further considering that the award was passed as back as on 31.7.2017, I do not consider it is a fit case to exercise the appellate power under Section 173 of the Act of 1988.
6. Accordingly, the MAC deserves to be and is hereby dismissed in *limine* leaving the parties to bear their own cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge

B/-