
(2018) 02 CHH CK 0440

In the Chhattisgarh High Court

Case No : Miscellaneous Appeal (C) No. 752 Of 2012

Gunjan Verma And Ors

APPELLANT

Vs

Awadhesh Singh And Ors

RESPONDENT

Date of Decision : 28-02-2018

Acts Referred:

Motor Vehicles Act, 1988 — Section 173

Citation : (2018) 02 CHH CK 0440

Hon'ble Judges : P. Sam Koshy, J

Bench : Single Bench

Advocate : Rishi Sahu, Surfaraj Khan, Sourabh Sharma

Final Decision : Allowed/Disposed Of

Judgement

P. Sam Koshy, J

1. Present is an appeal filed by the claimants under Section 173 of the Motor Vehicles Act assailing the award dated 19/01/2010 passed by the learned

First Additional Motor Accident Claims Tribunal, Raipur, District Raipur (C.G.) in Motor Accident Claim Case No. 51/2008.

2. Vide the impugned award, the Tribunal in a death case has awarded a compensation of Rs.4,25,500/- with interest @ 6% per annum from the date of application.

3. While passing the impugned award, the liability of payment of compensation to the extent of Rs.1,00,000/- has been fastened upon the respondent

No.2/Insurance Company and the liability of payment of remaining compensation has been fastened upon the respondent No.1.

4. The counsel for the appellants/claimants submits that, the amount of compensation awarded is too meagre an amount considering the factual matrix

of the case in as much as the income assessed by the Tribunal was not properly done so also the deductions made also ought to have been done in the

light of parameters given by the Hon'ble Supreme Court in the case of Sarla Verma & Ors. Vs. Delhi Transport Corporation & Anr. [2009 6 SCC

121].

5. The counsel for the Insurance Company however opposing the appeal submits that, the liability so far as the Insurance Company is concerned is

confined to Rs.1,00,000/- as the risk covered by the deceased/owner was to the extent of Rs.1,00,000/- on account of extra premium of Rs.50/- that

they had charged covering the risk of the owner and further that the amount of Rs.1,00,000/- has already been deposited before the Tribunal.

6. So far as the quantum of compensation is concerned, the date of accident being May-2008. This court has no hesitation in holding that during the

relevant period, even an unskilled labour would have been drawing more than Rs.150-200/- per day i.e. Rs.4,500-6,000/- per month.

7. This Court thus assesses the income of the deceased at Rs.4,500/- instead of Rs.3,000/- as assessed by the Tribunal. In addition, the claimants

would also be entitled for 40% of his income towards future prospects i.e. Rs.21,600/- which if added to the yearly income, the figure would come to

Rs.75,600/- of which if 1/3rd is deducted towards personal expenses, the amount left would be Rs.60,480/- which if multiplied by applying multiplier of

17, the amount would come to Rs.10,28,160/-. In addition, the claimants would also be entitled for an additional amount of Rs.70,000/- to make the

total compensation payable to the claimants at Rs.10,98,160/- instead of Rs.4,25,500/- as awarded by the Tribunal. The said enhanced amount shall

also carry interest at the same rate as has been awarded by the Tribunal.

8. The liability of payment of remaining enhanced amount would remain that upon the respondent No.1 and the Insurance Company would be only

liable for Rs.1,00,000/- which they have paid.

9. The appeal stands allowed and disposed off.