
(2006) 01 CHH CK 0020
In the Chhattisgarh High Court
Case No : M.A. No. 989 of 2005

Nanku Ram and Another

APPELLANT

Vs

Prakash Ram and Others

RESPONDENT

Date of Decision : 03-01-2006

Acts Referred:

Citation : (2007) 2 ACC 314 : (2006) ACJ 1705 : (2006) 1 MPJR 68

Hon'ble Judges : S.R. Nayak, C.J.; Dilip Raosaheb Deshmukh, J

Bench : Full Bench

Advocate : Amiyakant Tiwari, for the Appellant; Ali Asagar, for the Respondent

Judgement

S.R. Nayak, C.J.

In this appeal where enhancement of compensation is sought, the contention urged by the learned Counsel for the appellants is that on the date of the accident and demise of the deceased, the average age of appellants-claimants was 43.5 years and, therefore, M.A.C.T. ought to have applied multiplier 15 in terms of Second Schedule instead of wrongly applying multiplier 8. It was also contended that the M.A.C.T. is not justified in not awarding any compensation towards loss of filial love and loss to estate. We find force in the contentions.

There is no controversy between the parties that as on the date of accident, the appellants-claimants were aged 45 and 42 years respectively and, therefore, the average age of the appellants-claimants would come to 43.5 years. In that view of the matter, the M.A.C.T. ought to have applied multiplier 15 in terms of Second Schedule. If we apply multiplier 15, loss of dependency would come to Rs. 3,24,000. Therefore, we award a sum of Rs. 3,24,000 for loss of dependency as against Rs. 1,74,800 awarded by M.A.C.T. Loss of filial love and loss to estate are permissible heads under which compensation could be sought in a death case. Therefore, we award a sum of Rs. 20,000 towards loss of filial love and another sum of Rs. 20,000 towards loss to estate.

In the result and for the foregoing reasons, we allow the appeal in part and in

substitution of the impugned award, we award total compensation of Rs. 3,69,000 under the following heads:

(i) Loss of dependency Rs. 3,24,000 (ii) Loss of filial love Rs. 20,000 (iii) Loss to estate Rs. 20,000 (iv) Funeral expenses Rs. 5,000 ----- Total Rs. 3,69,000 -----

with interest at the rate of 6 per cent per annum from the date of claim petition till payment. Insurance company shall deposit the balance compensation within 6 weeks from today and on such deposit being made, M.A.C.T. shall invest/disburse the compensation money in the same proportions, if any, specified by it in the impugned award. However, the parties shall bear their respective costs in this appeal.