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**(2011) 05 CHH CK 0010**  
**In the Chhattisgarh High Court**  
**Case No : Misc. Appeal No. 305 of 2005**

Smt. Ram Bai and Others

APPELLANT

Vs

Sourabh Kaikre and Others

RESPONDENT

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**Date of Decision :** 03-05-2011

**Acts Referred:**

Motor Vehicles Act, 1988 — Section 166

**Citation :** (2011) 3 CGLJ 596

**Hon'ble Judges :** Rajeev Gupta, C.J.; N.K. Agarwal, J

**Bench :** Full Bench

**Final Decision :** Dismissed

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## Judgement

Rajeev Gupta, C.J.—This is claimants' appeal for enhancement of the compensation awarded by the Third Additional Motor Accident Claims Tribunal, Raipur (for short, "the Tribunal") vide award dated 22.01.2005, passed in Claim Case No. 17 of 2003.

2. As against the compensation of Rs. 15,50,000/- claimed by the Appellants/claimants, unfortunate widow and minor children of deceased Sita Ram Singh, by filing a claim petition u/s 166 of the Motor Vehicles Act, for his death in the motor accident on 27.07.2002, the Tribunal awarded a total sum of Rs. 5,06,440/- as compensation to the claimants along with interest @ 6% per annum from the date of filing of the claim petition till the date of actual payment.

3. The Tribunal held that the insurer of the offending vehicle Scooter bearing registration No. M.P.09JJ/2930 liable to pay compensation to the claimants. The Tribunal by assessing the income of the deceased at Rs. 5,500/- per month and the claimants' dependency at Rs. 3,670/- per month and Rs. 44,040/- per annum and multiplying the above annual dependency with the multiplier of 11, worked out the compensation at Rs. 4,84,440/-. By awarding further sum of Rs. 22,000/- under other heads, the Tribunal awarded a total sum of Rs. 5,06,440/- as compensation to the claimants for the death of deceased Sita Ram Singh in

the motor accident. The Tribunal further directed payment of interest on the above amount of compensation of Rs. 5,06,440/- @ 6% per annum from the date of filing of the claim petition till the date of actual payment.

4. Shri Shivendu Pandya, learned Counsel for the Appellants vehemently argued that the Tribunal has erred in assessing the income of the deceased at Rs. 5,500/- per month only; in selecting the lower multiplier of 11; and in awarding low compensation of Rs. 5,06,440/- only.

5. Shri Anand Gupta, learned Counsel appearing on behalf of Shri Raj Awasthi, learned Counsel for Respondent No. 3, National Insurance Company Limited, on the other hand, supported the award and contended that the compensation of Rs. 5,06,440/- awarded by the Tribunal is just and proper compensation in the facts and circumstances of the present case.

6. In a motor accident claim case, what is important is that the compensation to be awarded by the Courts/Tribunals should be just and proper compensation in the facts and circumstances of the case. It should neither be a meager amount of compensation, nor a Bonanza.

7. Now we shall examine as to whether the compensation of Rs. 5,06,440/- awarded by the Tribunal is just and proper compensation in the facts and circumstances of the present case.

8. Even assuming the income of the deceased at Rs. 7,200/- per month as contended by learned Counsel for the Appellants, the claimants' dependency would not be more than Rs. 3,600/- per month in view of the specific admission in para 7 of the evidence of claimant No. 1 Smt. Ram Bai, who appeared as AW1 before the Tribunal, wherein she clearly admitted that her husband deceased Sita Ram Singh was spending more than 50% of his income on himself. The multiplier of 11 selected by the Tribunal also cannot be found fault with in view of the fact that in the postmortem report and other police papers the age of the deceased was categorically mentioned as 54 years and the dictum of the Apex Court in the case of Smt. Sarla Verma and Others Vs. Delhi Transport Corporation and Another, , prescribes the multiplier of 11 for the age group between 51-55 years. The Tribunal has been quite liberal in awarding substantial amount of Rs. 22,000/- under other heads.

9. For the foregoing reasons, we do not find any scope for enhancement of the compensation either on account of the assessment of the income of the deceased or the claimants' dependency by the Tribunal or the multiplier selected.

10. The appeal filed by the Appellants/ claimants for enhancement of the compensation, therefore, is liable to be dismissed and is hereby dismissed.

11. No order as to costs.