

(2005) 12 CHH CK 0015
In the Chhattisgarh High Court

Sunil Kumar and Others

APPELLANT

Vs

Vishnu Prasad and Others

RESPONDENT

Date of Decision : 15-12-2005

Acts Referred:

Citation : (2006) 2 ACC 607 : (2007) ACJ 332

Hon'ble Judges : S.R. Nayak, C.J.; Satish K. Agnihotri, J

Bench : Full Bench

Judgement

S.R. Nayak, C.J.—In this appeal preferred by the dependants of the deceased seeking more compensation, learned counsel for the appellant would contend that Motor Accidents Claims Tribunal (in short, "the Tribunal") has committed an apparent illegality in applying multiplier 13 instead of applying correct multiplier 15, because the deceased as on the date of accident was aged 45 years. It was also contended that the Tribunal was not justified in not awarding compensation under the conventional heads "loss to estate" and "loss of love and affection" to the minor children. It was further contended that what is awarded to the widow towards "loss of consortium" is also very much on lower side.

2. Having heard learned counsel for the parties, we are of the considered opinion that the Tribunal has committed an apparent illegality in applying multiplier 13. If the age of the deceased as on the date of the accident was 45 years, the appropriate multiplier is 15 not 13. Tribunal was also not justified in not awarding any compensation under the conventional heads "loss to estate" and "loss of love and affection". We also find some force in the contention of learned counsel that what is awarded towards "loss of consortium to the widow" is also on lower side.

3. If we apply the multiplier of 15, the total "loss of dependency" would come to Rs. 11,81,160 (Rs. 78,744 x 15). Accordingly, we award Rs. 11,81,160 for "loss of dependency" as against Rs. 10,23,672 awarded by Claims Tribunal. Further, we award Rs. 20,000 towards "loss to estate" and Rs. 20,000 towards "loss of love and affection" to the minor children. We also enhance the compensation

under the head "loss of consortium" to the widow from Rs. 5,000 to Rs. 20,000.

4. In the result and for the foregoing reasons, we allow the appeal in part and in substitution of the impugned award passed by the Tribunal, we award total compensation of Rs. 13,13,160 under the following heads:

Loss of dependency	Rs. 11,81,160	Loss of consortium	Rs. 20,000	Funeral expenses	Rs. 2,000	Loss to estate	Rs. 20,000	Loss of love and affection	Rs. 20,000	Loss to the prospects of future promotions and increments	Rs. 70,000
----- Total Rs. 13,13,160 -----											

with interest at the rate of 9 per cent per annum from the date of claim petition till payment.

5. The insurance company shall deposit the balance compensation money before the Tribunal within six weeks from today. Tribunal is directed to disburse/invest the compensation money in the same proportions as specified by it in the impugned award.

6. In the facts and circumstances of the case, both the parties are directed to bear their respective costs in this appeal.