

(2018) 02 CHH CK 0133

Chhattisgarh High Court

Case No: Miscellaneous Appeal (C) No. 254 Of 2018

National Insurance Company
Limited

APPELLANT

Vs

Siya Bai And Ors

RESPONDENT

Date of Decision: Feb. 7, 2018

Acts Referred:

- Motor Vehicles Act, 1988 - Section 173

Hon'ble Judges: P. Sam Koshy, J

Bench: Single Bench

Advocate: Raj Awasthi

Final Decision: Dismissed

Judgement

P. Sam Koshy, J

1. The present appeal under Section 173 of the Motor Vehicles Act has been filed by the insurance company assailing the award dated 25.03.2017

passed by the Motor Accident Claims Tribunal, Kondagaon (in short, the Tribunal) in Claim Case No.64/2014. Vide the said impugned award, the

Tribunal has awarded a compensation of Rs.30,13,224/-to the claimants along with interest @ 9 percent per annum from the date of application.

2. The challenge of insurance company is to the quantum of compensation awarded. According to him, the income assessed, the multiplier applied and

the compensation under the conventional heads were all on the higher side and excessive and deserve to be suitably modified.

3. However, a perusal of records would show that the deceased in the instant case was aged around 25 years and the multiplier applied in the case

was 17. There does not appear to be any discrepancy or any mistake on the part of the Tribunal while assessing the same. So far as the income

assessed by the Tribunal is concerned, the deceased was working as a Constable in the Special Task Force and was drawing gross salary of

Rs.23,283/- with deduction of Rs.1775/- which would bring net salary of the deceased at Rs.25,058/- per month. If this amount has been taken into

consideration as the income of the deceased, the same cannot be said to be either erroneous or on the higher side. So far as the compensation under

conventional head is concerned, taking into consideration the details of the claimants and the compensation awarded under conventional head being

only Rs.1,05,000/-, this court does not find the same also to be excessive or on higher side.

4. Given the aforesaid facts and circumstances of the case, this court is of the opinion that no strong case is made out by the insurance company

worth admitting the appeal. The appeal thus stands rejected.