

(2018) 02 CHH CK 0284

Chhattisgarh High Court

Case No: Miscellaneous Appeal (C) No. 682 Of 2012

Meena Sinha And Ors

APPELLANT

Vs

Santosh Kumar Yadav And Ors

RESPONDENT

Date of Decision: Feb. 16, 2018

Acts Referred:

- Motor Vehicles Act, 1988 - Section 166, 173

Hon'ble Judges: P. Sam Koshy, J

Bench: Single Bench

Advocate: Shivendu Pandya

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 02/02/2011 passed by the learned

Tenth Additional Motor Accident Claims Tribunal, Raipur (C.G.) in Motor Accident Claim Case No. 100/2008.

2. Vide the impugned award, the Tribunal in a death case under Section 166 of the Motor Vehicles Act has awarded a compensation of Rs.3,34,000/-

with interest @ 6% per annum from the date of application.

3. The counsel for the appellants/claimants submits that, the quantum of compensation awarded by the Tribunal is on the lower side and therefore the

same deserves to be suitably enhanced. He further submits that, the deceased in the instant case was a Pharmacist and was working with the State

Government at the Primary Health Centre at the time of accident. He further submits that, a departmental witness - AW/3 - Shri Basant Kumar

Agrawal was also examined and the salary slip Ex-P/8 was also exhibited which shows the monthly income of the deceased at Rs.10,935/- . However, the Tribunal in spite of all these has assessed the income of the deceased at Rs.3,000/- per month and quantified the compensation accordingly. He thus prayed for suitable enhancement of the award.

4. Taking into consideration the entire facts and circumstances of the case, except for the evidence of AW/3, there does not seem to be any other evidence to prove his employment part with the State Government. Though, this Court does feel that the income assessed at Rs.3,000/- is unreasonably low particularly when it is an accident of year-2008.

5. This Court in the given facts and circumstances assesses the income of the deceased at Rs.200/- per day i.e. Rs.6,000/- per month instead of Rs.3,000/- as assessed by the Tribunal.

6. Assessing Rs.6,000/- as the monthly income of the deceased, the yearly income would come to Rs.72,000/- of which if 1/4th is deducted towards personal expenses, the amount left would be Rs.54,000/- which if multiplied by applying multiplier of 13, the amount would come to Rs.7,02,000/-.

Thus, the claimants shall be entitled for a compensation of Rs.7,02,000/- towards loss of dependency. In addition, the claimants shall also be entitled for a compensation of Rs.70,000/- under the conventional head to make the total compensation payable at Rs.7,72,000/- instead of Rs.3,34,000/- as awarded by the Tribunal. The said enhanced amount shall also carry interest at the same rate as has been awarded by the Tribunal.

7. The appeal stands allowed and disposed off.