



**HIGH COURT OF CHHATTISGARH AT BILASPUR**

(26)

**Division Bench**

**Coram : Hon'ble Shri Jagdish Bhalla, Acting C.J. &  
Hon'ble Shri Dilip Raosaheb Deshmukh, J.**

**Miscellaneous Appeal (C.) No.605 of 2007**

**Appellants  
Claimants**

1. Hembai, W/o Subranlal, Aged about 28 years,
2. Ku. Punam, D/o Late Subranlal, Aged about 8 years,
3. Kamlesh Kumar, S/o Late Subranlal, Aged about 6 years
4. Ku. Pushpa, D/o Late Subranlal, Aged about 3 years

Appellants No.2 to 4 Minor through guardian mother Hembai, W/o Subranlal

All R/o Faguram, P.S. Dabhra, Tahsil : Malkharoda, District : Janjgir-Champa

**versus**

**Respondents  
Non-Applicants**

1. Poshram, S/o Dataram, Aged about 25 years, R/o Faguram, P.S. Dabhra, Tahsil : Malkharoda, District : Janjgir-Champa
2. United India Insurance Company, Branch Office : Gopi Talkies Road, Raigarh

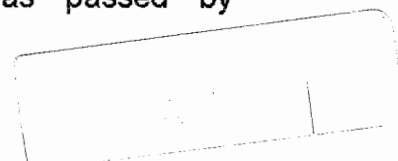
**Appeal under Section 173 of Motor Vehicles Act**

**Present : Appellants by Shri C.J.K.Rao, learned counsel.**

**ORAL ORDER**

**(Passed on 29<sup>th</sup> of June, 2007)**

The following oral order of the Court was passed by  
Dilip Raosaheb Deshmukh, J. :



(27)

Heard on I.A. No.01/2007 which is an application for amendment filed on behalf of the appellants. The application is allowed. Let the necessary amendment be carried out within three days.

(2) Heard on admission.

(3) Being aggrieved by the impugned award dated 20-03-2007 passed by learned Additional Motor Accidents Claims Tribunal, Sakti in Motor Accident Claim Case No.28/2006, the appellants/claimants have preferred this appeal.

(4) The only point urged by the learned counsel for the appellants in this appeal for enhancement of compensation of Rs.3,57,000/- awarded in a death case of one Subranlal aged 30 years is that the learned Tribunal ought to have considered the daily income of the deceased, who was working as a Mason, at Rs.300/-. No other point was urged.

(5) Upon perusal of the impugned award, we find that the deceased was working as a Mason in a remote area of Tahsil Malkharoda. Hembai, the widow of the deceased was unable to state as to what was the actual daily income of the deceased. Under these circumstances, we are of the opinion that the learned Tribunal was wholly justified in taking the daily income of the deceased at Rs.100/- while assessing loss of dependency. In this view of the matter, there is no merit in this appeal.

(6) The appeal, being devoid of merit, is accordingly dismissed at the stage of admission.

Sd/-  
Ag. Chief Justice

Sd/-  
Dilip Raosaheb Deshmukh  
Judge