



(2)

C.F.D.

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

M.A. (C) 193 /2010

**Single Bench**

APPELLANTS

(Claimants)

1. Smt. Bhagwati Singh, aged 52 years, W/o. Ramadhar Dhurve, Occupation House wife
2. Ramadhar Dhurve, aged 55 years, S/o. Mukhiya Ram Dhurve,  
Both are R/o. SE - 386, Near Niharika Talkies, Tahsil and District Korba (C.G.)

R.R. No. 22/2010  
Presented by Shri Aditya Kumar  
Date 04/10/2010

VERSUS

RESPONDENTS :

NON-APPLICANTS

1. Uttam Janghel, S/o. Purushottam Janghel R/o. Lodhipara, Hanuman Nagar, Gudiyari, Tahsil and District Raipur (C.G.)
2. Ganesh Prasad Khetan, R/o. Khaitan Building, Moudhapara, P.S. Moudahapara, Raipur, Tahsil and District Raipur (C.G.)
3. The Oriental Insurance Company Ltd.,  
Through : Divisional Manager, Division Office No.2, Second Floor, Chowla Complex, Sai Nagar, Devendra Nagar Marg, Raipur, Tahsil and District - Raipur (C.G.)

Miscellaneous Appeal under Section 173 of the Motor Vehicle Act, 1994



XI HC-78

18/03/10

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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मामला क्रमांक ..... सन् 20

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p><b><u>S.B. Hon'ble Shri Justice N.K. Agarwal</u></b></p> <p><b><u>26-02-2010</u></b></p> <p>Shri S.C. Verma, counsel with Shri Aditya Khare, counsel for the appellants.</p> <p>Heard on I.A. No.01, application for condonation of delay in filing the appeal.</p> <p>On due consideration, the grounds mentioned in the application, I am satisfied that the appellants have succeeded in explaining the cause of delay in filing the appeal. Therefore, the application is allowed and the delay caused in filing the appeal is hereby condoned.</p> <p>Heard on admission.</p> <p>Feeling aggrieved and dissatisfied with the amount of compensation awarded in the award dated 29-08-2009 by First Additional Motor Accident Claims Tribunal, Raipur (for short 'the Tribunal') in claim case No.8/2009, the instant appeal has been preferred by the appellants/claimants.</p> <p>Facts briefly stated are as under:</p> <p>On 28-10-2008, Kuldip Singh Dhurve (since deceased) i.e. the son of the claimants was coming from Abhanpur to Raipur by sitting on motorcycle bearing registration No.C.G. 04 CU/7239 as pillion rider met with an accident with Scorpio Jeep bearing registration No.C.G. 04- H.A./8111 and as a result of which he died on the spot.</p>	



H.C-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक

M.A.C.C) No. 1931

सन् 2010

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश - 2 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p>The appellants/claimants, the unfortunate parents of the deceased, preferred claim petition under Section 166 read with Section 140 of the Motor Vehicles Act (for short 'the Act') claiming Rs.23,50,000/- as compensation for the death of the deceased.</p> <p>Learned Tribunal on appreciation of evidence led, material placed and submission made held respondent No.1 Uttam Janghel responsible for the said accident; assessed the income of the deceased as Rs.36,000/- per annum; after deducting 1/3<sup>rd</sup> of it towards personal expenses of the deceased, assessed the loss of yearly dependency as Rs.24,000/- per annum; looking to the age of appellants; applied the multiplier of 10 and awarded Rs.2,40,000/- as compensation on account of loss of dependency. Learned Tribunal has further awarded a sum of Rs.12,500/- on other heads and thus awarded a total sum of Rs.2,52,500/- along with interest @ 6% per annum from the date of application.</p> <p>Learned counsel for the appellant would submit that the amount of compensation awarded by the learned Tribunal is shockingly on lower side and the same may be suitably enhanced.</p> <p>I have heard learned counsel for the appellant, perused the award impugned and record of the Tribunal.</p>	



XI HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक

MA(C) No. 193

सन् 20 10

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश - 3 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p>The learned Tribunal has assessed the income of the deceased as Rs.3,000/- per month which is based on appreciation of evidence; deducted 1/3<sup>rd</sup> of it towards personal expenses of the deceased and applied the multiplier of 10; which looking to the fact that the claimants are unfortunate parents of the deceased and also taking into consideration the age of the claimants, in the opinion of this Court, learned Tribunal has applied correctly and thus, the learned Tribunal has not committed any illegality or irregularity in assessing the amount of compensation.</p> <p>For the foregoing, the appeal preferred by the appellants being devoid of merit is liable to be and is hereby dismissed.</p>	<p>Sd/- N.K. Agarwal Judge</p>

Kvr