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**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**DIVISION BENCH**

**CORAM:** HON'BLE SHRI RAJEEV GUPTA, C.J.  
HON'BLE SHRI RANGNATH CHANDRAKAR, J

**Misc. Appeal (C) No. 406 of 2010**

**Appellants**  
**Claimants**

- 1 Lakhanlal Sahu, s/o Late Mayaram Sahu, aged about 55 years
- 2 Shesh Narayan Sahu, s/o Lakhanlal Sahu, aged about 25 years

**VERSUS**

**Respondents**  
**Non-Claimants**

- 1 Mithilesh Kumar Dhruv, s/o Bhagirath Dhruv, aged about 21 years, r/o village Dudhwara, Police Station & Tahsil – Magarlode, District – Dhamtari (CG) (Driver of Vehicle Hero Honda Motor Cycle bearing registration No.CG.05/E/1330)
- 2 Lekh Ram Sahu, s/o Charan Singh Sahu, aged about (not mentioned) r/o village Shuklabhata, Tahsil Kurud, District Dhamtari (CG)

Present r/o Secretary, Gram Panchayat, Dudhwara, Tahsil & Police Station Magarlode, District – Dhamtari (CG)

(Registered owner of Vehicle Hero Honda Motor Cycle bearing registration No.CG.05/E/1330)

- 3 The Reliance General Insurance Company Limited, Dhirubhai Ambani Group, through Branch Manager, Branch Office, Ravi Bhawan, 4<sup>th</sup> Floor, Near Jaistambh Chowk, Raipur Tahsil & District – Raipur (CG) (Insurer of Vehicle Hero Honda Motor Cycle bearing registration No.CG.05/E/1330)

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

Present : Shri Dharmesh Shrivastava, counsel for the  
appellants.  
Shri Sourabh Sharma, counsel for respondent No.3.

**ORDER**

**(30<sup>th</sup> September, 2011)**

The following order of the Court was passed by  
**Rajeev Gupta, C.J.**

This is claimants' appeal for enhancement of the compensation awarded by the 9<sup>th</sup> Additional Motor Accident Claims Tribunal, Raipur (for short 'the Tribunal') vide award dated 21.10.2009, passed in Claim Case No.135/2009.

2) As against the compensation of Rs.6,90,000/- claimed by the appellants/claimants, unfortunate husband and major son of deceased Laxmi Bai by filing a claim petition under Section 166 of the Motor Vehicles Act for her death in the motor accident on 04.01.2008, the Tribunal awarded a total sum of Rs.1,33,000/- as compensation along with interest @ 6% per annum from the date of filing of the claim petition till the date of actual payment.

3) The Tribunal on a close scrutiny of the entire evidence led before it held that deceased Laxmi Bai died on account of the injuries sustained by her in the motor accident on 04.01.2008; the accident occurred due to rash and negligent driving of the motorcyclist of the offending Hero Honda Motorcycle bearing

registration No.CG-05-E/1330; as the above offending Hero Honda Motorcycle at the time of the accident was insured with the Reliance General Insurance Company Limited and the Insurance Company could not establish any breach of the policy conditions, the Insurance Company was liable to pay compensation to the claimants.

4) As the insurer of the above offending Hero Honda Motorcycle has not filed any appeal against the impugned award challenging the above findings recorded by the Tribunal, the same, now, have attained finality.

5) The Tribunal assessed the income of the deceased at Rs.3,000/- per month and Rs.36,000/- per annum. By deducting 50% of Rs.36,000/- towards the personal expenses of the deceased, the claimants' dependency was assessed at Rs.18,000/- per annum. By multiplying the annual dependency of Rs.18,000/- with the multiplier of 6, the compensation was worked out to Rs.1,08,000/-. By awarding further sum of Rs.25,000/- under other heads, the Tribunal awarded a total sum of Rs.1,33,000/- as compensation to the claimants for the death of deceased Laxmi Bai in the motor accident. The Tribunal further directed payment of interest on the above amount of compensation of Rs.1,33,000/- @ 6% per annum from the date of the filing of the claim petition till the date of actual payment.

6) Shri Dharmesh Shrivastava, learned counsel for the appellants submitted that though the Tribunal has rightly assessed the income of the deceased at Rs.3,000/- per month and

Rs.36,000/- per annum and the claimants' dependency at Rs.18,000/- per annum, it has erred in selecting the lower multiplier of 6 and in awarding low compensation of Rs.1,33,000/- only.

7) Shri Sourabh Sharma, learned counsel for respondent No.3, the Reliance General Insurance Company Limited, the insurer of the offending Motorcycle on the other hand supported the award and contended that as the claimants could not establish any definite and regular income of the deceased, the compensation of Rs.1,33,000/- awarded by the Tribunal is just and proper compensation in the facts and circumstances of the present case.

8) As learned counsel for the appellants has not challenged the assessment of the income of the deceased by the Tribunal at Rs.3,000/- per month and Rs.36,000/- per annum and the claimants' dependency at Rs.18,000/- per annum, we have not examined these aspects of the matter.

9) The Tribunal holding that claimant No.1 Lakhanlal Sahu, husband of deceased Laxmi Bai was aged about 60 years on the date of the accident, has selected the multiplier of 6. Even assuming that claimant No.1 Lakhanlal Sahu was aged about 60 years, in our opinion, multiplier of 9 would be appropriate in the present case in view of the dictum of the Apex Court in the case of **Sarla Verma (Smt) and others Versus Delhi Transport Corporation** and another reported in (2009) 6 Supreme Court Cases 121, wherein multiplier of 9 has been prescribed for the age group between 56-60 years.

10) By multiplying the annual dependency of Rs.18,000/- with the multiplier of 9, the compensation works out to Rs.1,62,000/-. The claimants are further entitled to receive Rs.5,000/- towards funeral expenses; Rs.5,000/- towards loss of consortium to the husband; and Rs.5,000/- for loss of estate. The claimants, thus, become entitled to receive a total sum of Rs.1,77,000/- as compensation for the death of deceased Laxmi Bai in the motor accident.

11) The claimants are awarded further sum of Rs.4,000/- towards quantified amount of interest on the enhanced amount of compensation of Rs.44,000/-.

12) For the foregoing reasons, the appeal filed by the appellants/claimants for enhancement of the compensation is allowed in part. The compensation of Rs.1,33,000/- awarded by the Tribunal is enhanced to Rs.1,77,000/- with further quantified amount of interest of Rs.4,000/- on the enhanced amount of compensation of Rs.44,000/-.

13) Respondent No.3 the Reliance General Insurance Company Limited is granted three months' time for depositing the total sum of Rs.48,000/- (Rs.44,000/- towards enhanced amount of compensation + Rs.4,000/- towards quantified amount of interest on the enhanced amount of compensation of Rs.44,000/-) before the concerning Claims Tribunal.

14) No order as to costs.

**Sd/-**  
**Chief Justice**

**Sd/-**  
**R.N. Chandrakar**  
**Judge**