

IN THE HIGH COURT OF MADHYA PRADESH PRINCIPAL SEAT
AT JABALPUR BENCH

Miscellaneous Appeal No. 77/2024

Cause Title

Applicants/
Claimant :-

1. Smt. Aasu Bai,
W/o Shri Laxminarayan
Aged about 41 years,
2. Laxminarayan S/o Late Shri Madanlal
Aged about 46 Years,

Both R/o- Gram Bhojpura, Post Narsinghkhedha,
Tehsil Ichawar, Distt. Sihore (MP)

Present R/o- Rajeev Nagar, P.S. Ayodhya Nagar,
Distt. Bhopal (MP).

Versus

Non applicants/
Non Claimant

1. Kuldeep, S/o Shri Narbada Prasad
R/o- Gram Bhojpura, Post Narsingh Kheda,
Tehsil Ichawar, Distt. Sihore (MP),
Pin No. 466115
2. Mukesh Kumar Patel S/o Chooran Singh
R/o- Gram Bhaukhedi, Tehsil Ichawar,
Distt. Sihore (MP),
Pin No. 466115
3. The United India Insurance Co. Ltd.
Through Divisional Manager Divisional Office
Hall No.-3, Northern Block, 1st Floor, Z.Tv. Complex,
New Market, T.T. Nagar, Distt. Bhopal (MP),
Pin Code- 462003

Presented on 2-1-24
 By N.K. Gupta
 Presentation Assistant

(Miscellaneous Appeal under Section 173(1) of the Motor Vehicle Act, 1988)

Claim in appeal valued at	Rs. 4,00,000/-
Court Fees Paid	Rs. 10,000/-
Claim before the Tribunal	Rs. 70,00,000/-
Amount awarded	Rs. 9,41,600/-

Being aggrieved by the award as detailed in Paragraph (I) below, the appellant prefers this appeal on the following facts and grounds :-

(I) Particulars of the award :

- (a) Case Number : 2608/19
- (b) Date of the award : 26/08/23
- (c) Award passed under S. 163-A/166 of the Motor Vehicle Act, 1988 : 166
- (d) The name of the Member : -/-
- (e) Designation and place of sitting of the Tribunal : Member 18Th, MACT, Distt. Bhopal MP.

(II) Particulars of the Accident :

- 1 Time and date : 22/08/19 At 3:10 pm
- 2 Place : Narsingh Kheda To Mohanpur.
- 3 Near Village / Locality P.S. Ichawar,
- 4 Tehsil and District Sihore (MP).

(III) Particulars of the offending vehicle :

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1	Registration No.	MP-37-MK-0728
2	Kind of Vehicle	Motor Cycle
3	Owned by	Respondent No.2
4	Driven by	Respondent No.1
5	Insured with	Respondent No.3

(IV) Name and description of the deceased person:

1	Name	Late Karan Singh Mewara
2	Age	About 20 years
3	Mother's name	Smt. Aasu Bai
4	Occupation	Private Job
5	Address	Rajeev Nagar, P.S. Ayodhya Nagar, Distt. Bhopal (MP)

(V) In fatal accident cases:

- (1) (a) Annual income of the deceased: 92,400/-
(As adjudged by the Tribunal)
- (b) Annual dependency of the : 1/2
claimant (As assessed by the
Tribunal)
- (c) Multiplier applied by the 18
Tribunal
- (d) Number of dependant and their 2(father, mother)
relationship with deceased

(e) Amount of compensation Rs. 9,41,600/-
awarded by the Tribunal

(f) Payable by All The Respondents
Jointly & Severally.

(VI) Details of interest awarded by the Tribunal:

- (1) Date from which interest is awarded 01/10/19
- (2) Rate at which interest has been awarded 6 % per annum

(VII) Other relevant facts :

1. That, the respondents No. 1 & 2 remain ex party & 3 filed their reply and denied the allegation in the claims petition and prayed for rejection of claim petition. The claims Tribunal has passed the award and the liability fixed on all the respondents Jointly & Severally.
2. That the deceased on 22/08/19 At 3:10 pm was going on the right side of road, at that same time offending Motor Cycle bearing Registration No.MP-37-MK-0728 driven by non app no. 1, owned by non app no.2 and insured with respondent no.3 dashed to the deceased, resultantly the deceased fell down & sustained severe injuries on his many parts of body. He died on the spot. Postmortem was done. The case was registered u/s 304 A IPC.
3. That the applicant filed a claim petition before the Member, MACT, Distt. Bhopal MP. The learned tribunal framed

issues, the claimers have examined him and submitted the documents. After examining oral and documentary evidence vide order dated 26/08/23 the learned tribunal was pleased to award a compensation of Rs. 9,41,600/-

VIII) Grounds of appeal :

- 1) That the Learned Tribunal has disbelieved the facts & circumstances under which the death has occurred.
- 2) That the Learned Tribunal has made a grievous error by giving less compensation for the death of a person who is aged 18 year.
- 3) That the deceased was of the 20 year of age & was Private worker . Hence considering his age an appropriate enhancement is given to applicants in future prospects.
- 4) That the Learned Tribunal had erred in calculating the income of the deceased. That the Learned Tribunal had erred in giving less compensation to the appellants on the basis of the Income.
- 5) That the Learned Tribunal ought to have been granted compensation as per claimed petition filed before the claims Tribunal.
- 6) That the Learned Tribunal has awarded very less for loss of estate, love & affection, loss of future prospects. Which ought to have been further Rs. 2,00,000/- seeing the circumstance of the case.

- 7) That, the learned claims tribunal has not considered the real earning & the court below has failed to give the correct amount.
- 8) That the deceased was only bread earner of his family & deceased was aged 18 year person. Hence it is most humbly prayed that the appropriate enhancement in claim amount be made.
- 9) That the future prospects of the deceased should have been of 40% added as the Hon'ble apex court has established.
- 10) That, the learned claims tribunal has awarded amount of Rs. 9,41,600/- for all the heads. Which is very low & insufficient in the eyes of law?

(IX) Relief Claimed in appeal :


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| (1) Enhancement / Reduction of amount of compensation by | Enhance the compensation as prayed for in the claim petition |
| (2) Exoneration / liability of insurer | |
| (3) Award of interest at the rate of | 12 % PA |
| (4) Any other relief | May be granted |

(X) Caveat

No notice of caveat was received

Jabalpur

Dated : 31/12/23


Nitin Gupta

Advocate for Appellants