



**IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR  
BEFORE**

**HON'BLE SHRI JUSTICE AVANINDRA KUMAR SINGH**

**ON THE 22<sup>nd</sup> OF JANUARY, 2025**

**MISC. APPEAL No. 6193 of 2023**

***BELU BAI AND OTHERS***

*Versus*

***AJAY AND OTHERS***

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**Appearance:**

*Shri Rupesh Mishra – Advocate for the appellants.*

*Shri Ruchir Jain – Advocate for the respondent No.1*

*Shri Rakesh Jain – Advocate for the respondent No.2.*

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**ORDER**

Heard on **I.A.No. 16005 of 2023**, which is an application for condonation of delay of 115 days in filing the appeal.

2. In view of the grounds mentioned therein, aforesaid I.A. is allowed and delay is condoned but for the period of delay no interest shall be paid.
3. Heard on admission.
4. The appeal is **admitted** for final hearing.
5. With the consent of learned counsel for the rival parties, the appeal is heard and decided as follows.

6. Learned Court of Additional Motor Accident Claims Tribunal, Betul to the First Motor Accident Claims Tribunal, Betul in M.A.C.C. No. 262/2021 passed award dated 14.03.2023 in favour of claimants whose son expired in the accident. Subsequently, Insurance Company filed case for correction of the award and the learned Claims Tribunal, vide order dated 16.06.2023 amended the earlier award dated 14.03.2023 and granted compensation to the tune of Rs.10,45,300/-

7. This appeal is for enhancement of compensation by Rs. 4,00,000/-. Court fees of Rs. 10,000/- has been paid. It is submitted that monthly income of the deceased is taken @ Rs.7000/- per month whereas on the date of the accident i.e. 19.01.2001, the minimum wage per month was Rs. 8,400/-, therefore, there is calculation mistake on account of incorrect monthly income which has been taken at lower side, therefore, correct calculation would be as follows :-

<b>Sr. No.</b>	<b>Particulars</b>	<b>Amount (Rs.)</b>
1.	Monthly income of deceased	8,400/-
2.	Addition of future prospect to income @ 40%	11,760/-
3.	Annual Income (11,760/- * 12)	1,41,120 /-
4.	Deduction towards personal & living expenses ( 1/2 )	70,560/-
5	Multiplier based on age	16
6.	Amount of compensation	11,28,960/-
7.	Funeral Expenses	16,500 /-
8.	Loss of Estate	16,500 /-
9.	Loss of Consortium	88,000/-
10.	Total Amount of Compensation ought to be awarded.	12,49,960/-
11.	Compensation awarded by Tribunal	10,45,300/-
12	Enhancement in compensation (10-11)	<b>2,04,660/-</b>

8. In view of the aforesaid, the compensation is enhanced by Rs. **2,04,660/-**.
9. Rate of interest and other terms and conditions shall be as per the impugned award.
10. Accordingly, the appeal stands **disposed of**.

C.C. as per rules.

**(AVANINDRA KUMAR SINGH)**

**JUDGE**

VSG