

HIGH COURT OF UTTARAKHAND
AT NAINITAL

Appeal From Order No.186 of 2018

S.B.I. General Insurance Company Ltd. ... Appellant

Vs.

Smt. Rani Anju and Others ... Respondents

Advocate: Mr. Pulak Aggrawal and Mr. Bharat Tewari, learned counsel for the appellant.
Mr. Pankaj Miglani, learned counsel for respondents.

Hon'ble Sharad Kumar Sharma, J.

The instant appeal from order has been preferred by the Insurance Company as against the impugned award dated 04.01.2018 as it was rendered in MACP No.51 of 2015, "Smt. Rani Anju Vs. Mursalin and others" by the learned Motor Accident Claim Tribunal (MACT).

2. By virtue of the impugned award, the learned MACT by the impugned award of 04.01.2018, has awarded a compensation of Rs.2 lakh along with, 6% interest payable on the awarded amount to the claimant, whose daughter of six years has been said to have met with the sad demise. Furthermore, owing to the accident, which has chanced on 21.02.2015, when the deceased along with her father was travelling on a motorcycle bearing Registration No.UA 08J 1068, on account of the accident, which has taken up with the offending

vehicle, being a tractor, which was not numbered but, according to the chasis number and the engine number the said vehicle was identified to be involved in the accident.

3. The learned MACT after considering the rival contentions and, particularly, the issue with which we would be more concerned is with regards to the quantum of adequate determination of compensation payable towards the deceased, who was six years of age only.

4. The learned Motor Accident Claim Tribunal while deciding issue no.4, on the said aspect, has observed that, on the date of accident, the tractor was being insured with the insurance company and, hence, any liability, if at all, was to be fastened, it was to be fastened upon the insurance company.

5. Accordingly, considering the age of the deceased, the Court has determined the compensation to be made payable to the tune of Rs.2 lakh with an interest payable on it @ 6%.

6. The modalities, as determined by the learned MACT, was based upon the ratio as far as it relates to the award of compensation to the children, as the parameters prescribed by the judgment of 16.08.2001 of the Hon'ble Apex Court in Writ-Petition No.2321 of 1991, where the Hon'ble Apex Court has, based upon the various principle referred to in it, had determined as to in what

manner and parameters, the compensation has to be awarded.

7. The rational applied by the learned MACT in the award of 04.01.2018 for determining the quantification of compensation, based on the above judgment of the Hon'ble Apex Court of 16.08.2001, does not call for any interference in the impugned award, as it has been put to challenge by the Insurance Company. Thus, I do not find any merit in the appeal from order and the same would, accordingly, stands dismissed. The award of the Motor Accident Claim Tribunal is hereby confirmed.

(Sharad Kumar Sharma, J.)

04.12.2023

Sukhbant/