

Court No. - 2

Case :- FIRST APPEAL FROM ORDER No. - 2282 of 2004

Appellant :- Kamlesh Verma

Respondent :- Krishan Mohan Mishra And Others

Counsel for Appellant :- Ram Singh

Counsel for Respondent :- Brijesh Chandra Naik

Hon'ble Saral Srivastava,J.

1. Heard learned counsel for the appellant and learned counsel for the respondents.
2. The present appeal has been filed by the claimant/appellant for enhancement of award.
3. In the instant case, the claimant/appellant claimed enhancement of award for the death of a child Vinod Kumar aged about 12 years.
4. The Tribunal has awarded Rs.1,10,000/- lump-sum amount alongwith 7% interest as compensation to the claimant/appellant.
5. Challenging the aforesaid award, learned counsel for the claimant/appellant has contended that in the case of ***Kurvan Ansari alias Kurvan Ali and another Vs. Shaym Kishore Murmu and another (2022) 1 SCC 317***, the Apex Court in case of a minor child has awarded compensation of Rs.4,70,000/-. Accordingly, it is submitted that as the controversy in hand is squarely covered by the judgement of the Apex Court in ***Kurvan Ansari alias Kurvan Ali (supra)***, therefore, the same amount of compensation shall be awarded to the claimant/appellant.
6. Per contra, learned counsel for the respondents has contended that the deceased was only 12 years of age and, therefore, no loss of income was suffered by the claimant/appellant and the Tribunal has rightly awarded Rs.1,10,000/- lump-sum as compensation to the claimant/appellant.
7. The Apex Court in the case of ***Kurvan Ansari alias Kurvan Ali (supra)*** has awarded, in case of a minor, Rs.4,70,000/- as compensation and considering the fact that the controversy in hand is squarely covered by the judgement of the Apex Court in the case

of ***Kurvan Ansari alias Kurvan Ali (supra)***, this Court also enhances the compensation from Rs.1,10,000/- to Rs.4,70,000/-.

8. The enhanced amount shall carry 6% interest from the date of institution of claim petition till the amount is paid. The Insurance Company is directed to pay the enhanced amount of compensation to the claimant/appellant within a period of three months from the date of production of certified copy of this order.

9. Thus, for the reasons given above, the appeal is partly ***allowed*** and the award of the Tribunal is modified to the extent indicated above.

Order Date :- 17.10.2023

Sattyarth