Court No. - 2

Case :- FIRST APPEAL FROM ORDER No. - 2849 of 2003

Appellant :- Qadeer Ahmad And Others
Respondent :- Oriental Insurance Co. Ltd.
Counsel for Appellant :- Ram Singh,P.K. Agarwal
Counsel for Respondent :- Anubhav Sinha

Hon'ble Saral Srivastava,J.

1. Heard learned counsel for the appellants and learned counsel for the respondents.

2. The present appeal has been filed by the appellants challenging the award dated 30.07.2003 passed by Motor Accident Claims Tribunal/Additional District Judge, VIth, Bareilly in M.A.C.P. No.810/2001.

3. In the instant case, the claimant claimed for enhancement of award for the death of a child Taskir Ahmad aged about 8 years.

4. The tribunal has awarded Rs.54,000/- lump sum along with 9% interest.

5. Challenging the aforesaid award, learned counsel for the 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 has awarded compensation of Rs.4,70,000/- in case of a minor child. Accordingly, it is submitted that as the controversy in hand is squarely covered by the judgment 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 8 years of age and, therefore, no loss of income was suffered by the claimant/appellant and the Tribunal has rightly awarded Rs.54,000/- 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.54,000/- to Rs.4,70,000/-.

8. The enhanced amount of compensation 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. For the reasons given above, the appeal is partly ***allowed*** and the award is modified to the extent indicated above.

Order Date :- 17.10.2023
R.S. Tiwari

Digitally signed by :-
RAVI SHANKAR TIWARI
High Court of Judicature at Allahabad