

Court No. - 2

Case :- FIRST APPEAL FROM ORDER No. - 1065 of 2009

Appellant :- Sri Nijamuddin And Another

Respondent :- The Oriental Insurance Co Ltd And Another

Counsel for Appellant :- Mohd. Naushad Siddiqui

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 21.01.2009 and decree dated 27.07.2009 passed by Sri S.K. Pandey, the learned Special Judge (S.C./S.T. Act)/ Motor Accident Claims Tribunal/Kanpur Nagar in Claim Petition No. 601 of 2007 (Sri Nijamuddin and another Vs. The Oriental Insurance Co.Ltd. and another).

3. In the instant case, the claimant claimed for enhancement of award for the death of a child Chand Babu aged about 15 years.

4. The tribunal has awarded Rs.78,000/- lump sum along with 12% 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 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 15 years of age and, therefore, no loss of income was suffered by the claimant/appellant and the Tribunal has rightly awarded Rs.78,000/- 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.78,000/- 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 respondent No.2- 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 :- 12.10.2023

A. Prajapati