

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 118 OF 2000

1. Manik s/o Abaji Chopade,
Age : 50 years, Occu. Agri.,
R/o Dhar, Tq. And Dist. Parbhani
2. Sou. Sakhubai w/o Manikrao Chopade,
Age : 45 years, Occu. Household
and Agriculture, R/o as above. APPELLANTS

VERSUS

1. Nandkumar s/o Parshram Dhanokar,
Age : Major, Occu. Business,
R/o Balapur, Tq. And Dist. Akola
2. The Manager,
United India Insurance Co. Ltd.,
"Dyawan Complex", Station Road,
Parbhani RESPONDENTS

Mr. S.V. Warad, Advocate for the appellants
Mr. A.B. Gatne, Advocate for respondent No.2.
The appeal is dismissed as against respondent No.1
vide Additional Registrar's Order dt. 02.12.2003

CORAM : M.T. JOSHI, J.

DATE : 22/01/2015

ORAL JUDGEMENT :

1. Heard both sides.
2. Aggrieved by the lesser compensation directed
in the award passed in Motor Accident claims Petition

under section 166 of the Motor Vehicles Act, the present appeal is preferred by the original petitioners.

3. The challenge in the present appeal is to the quantum of compensation granted by the learned Member of Motor Accident Claims Tribunal at Rs. 70,000/- with interest at the rate of 12% per annum from the date of filing of the application.

4. Deceased Vishnu was 13 years old boy taking education in 7th standard in the year 1995. He met with an accidental death in the motor vehicular accident. The present appellant No. 1 Manik is the agriculturist-cum-labour who resides at Dhar, Taluka and District Parbhani. The deceased was also taking education in the said village. In the circumstances, the learned Member of the Tribunal observed that it would be very difficult to compute the compensation in terms of money in such case. It was further observed that a day previous to the passing of the award, in similar type of case, finding that the deceased boy was 16 years old and compensation of Rs. 80,000/- was granted, in the present case also, as the deceased was 12 to 13 years old, the

compensation of Rs. 70,000/- was awarded.

5. Mr. S.V. Warad, learned counsel for the appellants submits that the deceased had very bright future. In the circumstances, the compensation of atleast Rs. One lac ought to have been granted.

6. Mr. A.B. Gatne, learned counsel for the respondent No.2 - insurer, opposed the plea. He submitted that the deceased was from a rural background, while the present appellant No.1 is agricultural labour and therefore, there were least chances of having bright future to the deceased.

7. Upon hearing both sides, in my view, the learned Member of the Tribunal has rightly expressed the difficulty to compute the compensation in such matters. Taking into consideration the background of the deceased and the background of the appellant No. 1 i.e. the father of the deceased, in my view, the learned Member ought to have granted similar compensation of Rs. 80,000/- that was granted in earlier proceeding by him. In the circumstances, the following order:-

8. The appeal is partly allowed with proportionate costs. The respondents are directed to jointly and severally pay to the present appellants an amount of Rs. 10,000/- (rupees ten thousand) towards additional compensation, with interest at the rate of 7% per annum from the date of filing of the present first appeal till the realization of the amount. The appeal accordingly stands disposed of.

[M.T. JOSHI]
JUDGE

npj/fa118-2000