

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MAC No. 390 of 2014**

1. Virendra Verma S/o J.R. Verma Aged About 52 Years
2. Smt. Kiran Bala Verma W/o Virendra Verma Aged About 49 Years
3. Tanmay Verma S/o Virendra Verma Aged About 18 Years
All R/o Tatyapara Chowk, Raipur, Tah. Raipur, P.S. D.D. Nagar,
Raipur, Distt. Raipur C.G.

---- Appellants**Versus**

1. Rasil Singh S/o Singara Singh R/o C.G.R. Transport, Ring Road No. 01, Tatibandh, P.S. Amanaka, Raipur, Tah. And Distt. Raipur C.G.
2. Mahinder Singh S/o Sardar Hardayal Singh R/o C.G.R. Transport, Ring Road No. 1, Tatibandh, P.S. Amanaka, Raipur, Tah. And Distt. Raipur C.G.
3. I.C.I.C.I. Lombard General Insurance Co.Ltd. through- Branch Manager, Branch Office, Lal Ganga Shopping Mall, G.E. Road, Raipur, Distt. Raipur C.G.
4. Mukesh Kumar S/o Umend Ram Aged About 21 Years R/o Village & Post- Nawagaon, Tah. Dongargarh, Distt. Rajnandgaon C.G.
5. Mohammad Vakil Ahmad S/o Mohammad Nawab Ahmad R/o 5/1, Ispat Nagar, Risali Sector, Bhilai, Distt. Durg C.G.
6. The National Insurance Co.Ltd. Through- Divisional Manager, Divisional Office, Mobin Mahal, G.E. Road, Raipur C.G.

---- Respondents

For Appellant	:	Shri Pawan Kesharwani, Advocate.
For respondents No.3	:	Shri Sourabh Sharma, Advocate.

SB: Hon'ble Shri Justice P. Sam Koshy**Order On Board****08/08/2017**

1. This is claimant's appeal under Section 173 of the Motor Vehicles Act seeking enhancement of compensation against the award dated 09.05.2013 passed by the 5th Additional Motor Accident Claims Tribunal, Raipur (in short, the Tribunal) in Claim Case No.143/2011.
2. The accident, the accidental death of Vandita Verma, aged about 15 years, the two vehicles involved in the accident and the vehicles

being duly insured by the two insurance companies is not in dispute.

3. Learned counsel appearing for the appellant submits that Ku. Vandita Verma met with an accidental death on 23.05.2008 while returning from Panchmadi to Raipur by Tavera Car bearing registration No.CG-07-8269. The said Car (Tavera) was dashed with the standing Truck bearing registration No.CG-04-HA-2577 and as a result of the said accident, said Vandita Verma sustained grievous injuries and later succumbed. The Tribunal after considering the pleading and evidence have granted compensation of Rs.3,03,000/- along with interest @ 6 percent per annum which is on the lower side. Relying upon the decision of Supreme Court in case of Kishan Gopal and Another Vs. Lala and Others, 2014(1) SCC 244, he submits that in a death case of minor, the minimum compensation should be Rs.5,00,000/- i.e. Rs.4,50,000/- compensation and Rs.50,000/- under other conventional heads. Thus, prayed for suitable enhancement of award amount.
4. Counsel appearing for the respondent-insurance company however opposes the appeal and submits that looking to the age of the deceased, the amount of compensation awarded seems to be just, fair and reasonable and does not call for any interference, and thus, prayed for the rejection of the Appeal.
5. Having considered the rival contentions put forth and on perusal of judgment of Supreme Court in case of Kishan Gopal (Supra) referred to in the preceding paragraph, this court has no hesitation in reaching to the conclusion that the amount of compensation payable to the

claimants in the present case deserves to be enhanced in accordance with the judgment in case of Kishan Gopal (Supra). Accordingly, the claimants shall be entitled for compensation of Rs.4,50,000/- and Rs. 50,000/- under the conventional heads. Thus, total compensation would be Rs.5,00,000/-. Therefore, the claimants are entitled for balance amount of compensation of Rs.1,97,000/- in addition to what has already been awarded by the Tribunal. It is ordered accordingly.

6. Thus, the appeal stands allowed. The appellants shall be entitled for an additional amount of Rs.1,97,000/- as compensation in addition to what has already been awarded by the Tribunal. The said amount shall also carry interest at the same rate as has been awarded by the Tribunal.
7. The liability of payment shall be in the same proportion as has been decided by the Tribunal.

Sd/-
(P. Sam Koshy)
Judge

inder