

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Appeal (C) No. 906 of 2014**

1. Smt. Sushila Bai W/o Panchram, aged about 31 years, R/o Saraipali, Tah. Pali, Distt. Korba, C.G.
2. Panchram Sorathe S/o Hari Singh, aged about 33 years, R/o Saraipali, Tah. Pali, Distt. Korba, C.G.

---- Appellants**Versus**

1. Bhagirathi Gond S/o Pardeshi Gond, aged about 24 years, R/o Saraipali, Tah. Pali, Distt. Korba, C.G. (Driver)
2. Rajendra Kumar Gupta S/o Murlidhar Gupta, R/o Saraipali, Tah. Pali, Distt. Korba, C.G. (Owner)
3. The New India Assurance Co. Ltd. through Branch Manager, Office at Sada Complex, Transport Nagar, Korba, Distt. Korba, C.G. (Insurer)

---- Respondents

For Appellants	:	Shri Pravin Kumar Tulsyan, Advocate
For Respondent no.3	:	Shri Anil Gulati, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****05/12/2017**

Present is a Claimants' appeal under Section 173 of the Motor Vehicles Act assailing the award dated 30.06.2014 passed by the Additional Motor Accident Claims Tribunal, Katghora, District Korba (CG) in Claim Case No.65 of 2013. Vide the impugned award the Tribunal in a death case of a 12 years old boy Rajkamal under Section 166 of the MV Act has awarded compensation of Rs.2,25,000/- with interest @ 6% per annum from the date of application.

2. Counsel for the appellant submits that taking into consideration the facts and circumstances of the case particularly the age of the deceased, the compensation awarded is too meager an amount and the same deserves to be suitably enhanced.

3. Counsel for the Insurance Company, however, opposing the appeal submits that it is a case where the Tribunal has rightly assessed the compensation based on the evidence which has come on record and there is no scope of enhancement. Thus, prayed for rejection of the appeal.

4. Having considered the contentions put forth on either side and on perusal of the record, the undisputed facts are the date of accident, the resultant death of Rajkal, a 12 years old boy, the vehicle involved in the accident i.e. a tractor trolley bearing registration No. CG 12-F-2618 & CG/12/F 2619 owned by respondent no.2 and driven by respondent no.1 at the time of accident. It is also not in dispute that the said vehicle was duly insured by respondent no.3 Insurance Company. The only issue to be considered is whether the amount of compensation awarded is just and reasonable or not.

5. At this juncture, it would be relevant to refer to the decision of the Supreme Court in the case of **Kishan Gopal and another Vs. Lala and others** reported in **(2014) 1 SCC 244** wherein in a case of death of a minor child, the Supreme Court has fixed the notional income at Rs.30,000/- and applied the multiplier of 15 making the compensation towards loss of dependency at Rs.4,50,000/-. In addition, an amount of Rs.50,000/- under the conventional head was also granted making the total compensation at Rs.5,00,000/-.

6. Applying the same principle and analogy, this Court is also inclined to enhance the compensation payable to the claimants herein in similar terms and quantifies the compensation at Rs.4,50,000/- towards loss of dependency and Rs.50,000/- under the conventional head. Thus, the claimants in the

instant case shall be entitled for a total compensation of Rs.5,00,000/- in stead of Rs.2,25,000/- as awarded by the Tribunal. The enhanced amount shall also carry interest at the same rate as has been fixed by the Tribunal.

7. The appeal thus stands allowed.

Sd/-
(P. Sam Koshy)
JUDGE