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HIGH COURT OF CHHATTISGARH AT BILASPUR

Misc. Appeal (C) No. 817 of 2013

Harshavardhan Banchhor S/o Brijlal Banchhor, aged about 51 years, R/o Tatyapara Chowk, Raipur, Tah. Raipur, P.S. D.D. Nagar Raipur, Civil and Revenue District Raipur, C.G.

---- Appellant

Versus

1. Rasil Singh S/o Singara Singh, Occupation Truck Driver, R/o C.G.R. Transport, Ring Road No. 1, Tatibandh, P.S. Amanaka, Raipur, Tah. and Distt. Raipur, C.G.
2. Mahinder Singh S/o Sardar Hardayal Singh, Occupation Truck owner, 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 Company 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 Company Ltd. through Divisional Manager, Divisional Office, Mobin Mahal, G.E. Road, Raipur C.G.

---- Respondents

For Appellant	:	Shri Pawan Kesharwani, Advocate.
For Respondent no.3	:	Shri Sourabh Sharma, Advocate.
For Respondent no.6	:	Shri Anand Ku. Gupta, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

08/08/2017

Present is an appeal under Section 173 of the Motor Vehicles Act preferred by the claimant assailing the award dated 09.05.2013 passed by the 5th Additional Motor Accident Claims Tribunal, Raipur (CG) in Claim Case No. 10 of 2013. Vide the impugned award the Claims Tribunal on an application under Section 166 of the MV Act preferred by the claimant has awarded compensation of Rs.2,85,000/- with interest @ 6% per annum from the date of application.

2. Counsel for the appellant submits that the law in this case is by now well settled in the case of **Kishan Gopal and Another Vs. Lala and Others** reported in **(2014) 1 SCC 244** wherein on the death of a minor child, the compensation

quantified by the Supreme Court was of Rs.4,50,000/- and Rs.50,000/- was towards conventional heads making total compensation payable at Rs.5,00,000/-. Thus, prayed for enhancement of the compensation suitably.

3. Considering the facts and circumstances of the case, particularly the decision of the Supreme Court in the case of Kishan Gopal (supra) referred by the counsel for the appellant, this Court is of the opinion that the facts of the said case squarely apply in the facts of the present case also and the amount of compensation awarded by the Tribunal thus deserves to be enhanced. It is therefore ordered that the total compensation payable to the claimant shall be Rs.5,00,000/- in stead of Rs.2,85,000 as has been awarded by the Tribunal of which Rs.4,50,000/- has to be treated as compensation and Rs.50,000/- towards the other heads.

4. Thus, the claimant shall be entitled for the enhanced amount of Rs.2,15,000 over and above what has already been awarded by the Tribunal. Rest of the award including the interest part as well as the proportion of the share of each of the Insurance Companies shall remain intact.

5. With the aforesaid modification to the impugned award, the appeal stands partly allowed and disposed off.

Sd/-

(P. Sam Koshy)
Judge