

HIGH COURT of CHHATTISGARH, BILASPUR**MAC No. 654 of 2015**

1. Gokul S/o Ram Ratan Sahu Aged About 35 Years
 2. Sukrita Bai W/o Gokul Sahu Aged About 32 Years
- Both R/o Village Meu, P.S./PO/Tahsil Pamgarh, District Janjgir Champa Chhattisgarh.

---- Appellants**Versus**

1. Dukhram S/o Maniram Tondan Aged About 32 Years R/o Kausla, P.S./ Tahsil Pamgarh, District Janjgir Champa Chhattisgarh
2. Dr. Jagdish Prasad S/o Goutam Prasad Banergee R/o Basir Chal Marwahi, Tahsil/district Bilaspur Chhattisgarh.
3. Iffco Tokio General Insurance Com. Ltd. Iffco Tokio General Insurance Com. Ltd. Third Floor, 645-347, Lal Ganga Shopping Mall, G.E. Road, Tahsil / District Raipur Chhattisgarh.

---- Respondents

For Appellant	:	Shri Ritesh Verma, Advocate.
For respondent No.3	:	Shri Amrito Das, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Judgment On Board****04.12.2017**

1. The present appeal under Section 173 of the Motor Vehicles Act has been filed by the claimants seeking enhancement of compensation against the award dated 23.02.2015 passed by the Motor Accident Claims Tribunal, Janjgir Champa (in short, the Tribunal) in Claim Case No.09/2014. Vide the said impugned award, the Tribunal in a death case of two years old child has awarded a compensation of Rs.75,000/- to the claimants along with interest @ 6 percent per annum from the date of application.
2. Counsel for the appellants-claimants submits that considering the decision of Supreme Court in case of Lata Wadhwa & Ors. Vs. State of Bihar & Ors.2001 (8) SCC 197 and subsequent decision in case of

Reshma Kumari and Ors. Vs. Madan Mohan and Anr. 2013(9)SCC 65, the amount of compensation awarded deserves to be enhanced and thus prayed that the award be suitably modified.

3. The counsel for the insurance company, however opposing the appeal submits that the award seems to be fair and reasonable as the deceased in the instant case was only two years old child.
4. Having heard the contentions put forth on either side and on perusal of records, this court is of the opinion that after the judgment of Supreme Court in case of Reshma Kumari (Supra) there is a judgment passed in the year, 2014 in case of Kishan Gopal and Anr. Vs. Lala and Anr.2014(1)SCC 244 where the notional income has been assessed by the Tribunal in case of death of a minor at Rs.30,000/- considering the value of money which has gone down by efflux of time taking into consideration its earlier view taken in Lata Wadhwa (Supra) where notional income assessed was Rs.15,000/-in an accident that took place in the year, 1992-94.
5. In the light of the aforesaid authoritative decisions of the Supreme Court particularly in case of Kishan Gopal (Supra), this court is of the opinion that the present appeal can also be disposed of assessing the notional income of the deceased at Rs.30,000/- and applying the multiplier of 15.
6. Thus, if we take the notional income at Rs.30,000/- and multiply the same with 15, the amount would come to Rs.4,50,000/-. Accordingly, the claimants shall be entitled for compensation of Rs.4,50,000/-. In addition, the claimants shall also be entitled for Rs.50,000/- under the

conventional heads making the total compensation payable at Rs.5,00,000/-. It is ordered accordingly that the claimants shall now be entitled for Rs.5,00,000/- instead of Rs.75,000/- as awarded by the Tribunal.

7. The above enhanced amount of compensation shall also carry interest at the same rate as awarded by the Tribunal.
8. Accordingly, the appeal of the appellants-claimants stands allowed and disposed of.

Sd/-
(P.Sam Koshy)
Judge

inder