

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MAC No. 633 of 2016**

1. Chovaram Sahu S/o Shri Kunjaram Sahu, Aged About 57 Years R/o Village Indori, Thana Pipariya, Tahsil Kawardha, Civil & Revenue District Kabeerdham (Chhattisgarh)(Owner of Tractor No.CG-09-C-7251)
2. Ashok Sahu, S/o Chovaram Sahu, Aged About 25 Years R/o Village Indori, Thana Pipariya, Tahsil Kawardha, Civil & Revenue District Kabirdham (Chhattisgarh).....(Driver of Tractor No.CG-09-C-7251)

---- Appellants**Versus**

1. Loman Ram Sahu S/o Shri Balaram, Aged About 26 Years
2. Padmini Sahu, W/o Loman Ram Sahu, Aged About 24 Years
Both R/o Village Kunva, Thana Pipariya, Tahsil Kawardha, Civil & Revenue District Kabeerdham (Chhattisgarh).

---- Respondents

For Appellants : Shri Sunil Sahu, Advocate.

SB: Hon'ble Shri Justice P. Sam Koshy**Order On Board****03/07/2017**

1. The present petition has been filed against the award dated 30.01.2016 passed by the Motor Accident Claims Tribunal, Kabeerdham (in short, the Tribunal) in Claim Case No.31 of 2015. vide the said award, the Tribunal considering the facts and circumstances of the case has awarded an amount of Rs. 2,00,000/- to the claimants as compensation on account of death of minor child of the claimants aged about 5 years.
2. The sole ground of challenge is the quantum of compensation awarded by the Tribunal.
3. According to learned counsel for the appellants, the amount of

Rs.2,00,000/- which has been awarded by the Tribunal is on the higher side, and therefore, the same deserves to be interfered with.

4. Having considered the submission of appellants and on perusal of record, what clearly reflects is that the Tribunal had taken into consideration the evidence of the claimants/respondents wherein certain admitted facts which reflected from the record is that the accident did take place on 08.01.2015 and in the said accident Ku. Vaishali, aged about 5 years, had died. The claimants are father and mother of the deceased. The Tribunal relying upon certain decisions of the Supreme Court in respect of compensation to be given in case of death of a minor, reached to the conclusion that the claimants shall be entitled for compensation of Rs.1,80,000/- and Rs.20,000/-under other heads.
5. This court in the given facts and circumstances of the case does not find that the award passed by the Tribunal was in any manner erroneous or contrary to the evidence come on record. Nor is there any sort of perversity in the findings of Tribunal calling for interference of this court.
6. Thus, the appeal fails. The same deserves to be and is accordingly dismissed.

Sd/-
(P.Sam Koshy)
Judge

inder