

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 1258 OF 2015

SURESH RAOSAHEB SHINDE AND ANOTHER
VERSUS
BHASKAR SAKHARAM GHULE AND ANOTHER

...

Advocate for Appellants : Mr. Tejas V. Bedre h/f Mr. V.S. Bedre

Advocate for Respondent No.1: Mr. R.L.Kute

Advocate for Respondent No.2 : Mr. A.B. Gatne

.....

CORAM : V. K. JADHAV, J.
DATED : 5th APRIL, 2017

PER COURT:-

1. By consent of the parties, heard finally at admission stage.
2. Being aggrieved by the order dated 17.1.2015 passed by the learned Member, M.A.C.T. Shirampur in M.A.C.P. No. 91 of 2013, the original claimants have preferred this appeal to the extent of quantum of compensation.
3. Learned counsel for the appellants/claimants submits that son of the appellants, aged 5 months, died in motor vehicular accident and the learned Member of the Tribunal has awarded the compensation of Rs.1,00,000/- only. Learned counsel for the respondent-insurer submits that the Tribunal has awarded just and reasonable compensation considering the age of the child.

4. The appellants-claimants are the parents of the child. Appellant No.1 father was 22 years of age at the time of filing of claim petition whereas the mother of the child was 19 years of age. However, considering the peculiar facts of the case that first son of the appellants-claimants died in motor vehicular accident, it would be just and appropriate if the compensation of Rs.1,75,000/- is awarded to the claimants. The impugned judgment and award thus requires modification. Hence, the following order:-

O R D E R

- I. The appeal is hereby partly allowed. No costs.
- II. The judgment and award dated 17.1.2015 passed by the Member, M.A.C.T. Shrirampur in M.A.C.P. No. 91 of 2013 is hereby modified in the following manner:-

“The respondent Nos. 1 and 2 jointly and severally do pay compensation of Rs.1,75,000/-, inclusive of no fault liability amount, to the appellants/petitioners alongwith interest @ 9% p.a. on the amount of Rs.1,00,000/- from the date of application till realization of entire amount and @ 9% interest p.a. on the amount of Rs.75,000/- from the date of order of this Court till realization of the said amount.”

- III. Rest of the judgment and award stands confirmed.
- IV. The award be drawn up as per the above modification.
- V. The appeal is accordingly disposed of.

(V. K. JADHAV, J.)

rlj/