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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of Decision: 11th October, 2017

+ MAC.APP.139/2014

ORIENTAL INSURANCE CO LTD.

..... Appellants

Through: Mr. Pradeep Gaur, Advocate.

versus

SANJAY SHARMA & ORS

..... Respondents

Through: Mr. Sarvagya Sharma, Advocate.

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

JUDGMENT

1. The appellant has challenged the award of the Claims Tribunal whereby compensation of Rs.5,00,000/- has been awarded in respect of death of one year old child.
2. On 14th June, 2006, Master Kartik aged about one year was travelling in car bearing No. DL-3CW-2474 which was hit by truck bearing No. HR-55-1717 due to which the car fell in *Khud* which resulted in the death of Master Kartik. The parents of the deceased filed claim petition before the Motor Accident Claims Tribunal.
3. The Claims Tribunal awarded Rs.5,00,000/- to the respondents following *Krishan Gopal v. Lata*, (2014) 1 SCC 244 in which Supreme Court awarded Rs.5,00,000/- as compensation in respect of a ten years old child.
4. Learned counsel for the appellant seeks reduction of the compensation on the ground that the compensation awarded to the respondents is on a

higher side.

5. Learned counsel for the respondents submitted that 59 persons died in *Uphaar tragedy* in 1997 and the Supreme Court, in ***Municipal Corporation of Delhi v. Association of Victims of Uphaar Tragedy***, AIR 2012 SC 100, granted compensation of Rs.7,50,000/- to the victims below 20 years of age and Rs.10,00,000/- to the victims above 20 years of age. It was further submitted that this case relates to the year 2006 whereas *Uphaar tragedy* occurred in 1997. It was further submitted that this Court has also awarded compensation of Rs.7,50,000/- in respect of death of the children following ***Municipal Corporation of Delhi v. Association of Victims of Uphaar Tragedy*** (supra).

6. This Court is of the view that the compensation awarded to the respondents No.1 and 2 in respect of death of their only son aged one year is just, fair and reasonable and it does not warrant any interference. There is no merit in this appeal which is hereby dismissed.

7. The appellant has deposited the entire award amount with the Registrar General of this Court in terms of the order dated 11th February, 2014 out of which 70% amount has been released to respondents No.1 and 2. The balance amount be released to respondents No.1 and 2 in terms of the award of the Claims Tribunal within four weeks.

8. Copy of this judgment be given *dasti* to learned counsels for the parties.

OCTOBER 11, 2017
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J.R. MIDHA, J.