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

Decided on: 23 August, 2017

+ **MAC.APP. 317/2015 and CM 6189/2015**

ABID & ANR

..... Appellants

Through: Mr. Om Prakash Gupta, Advocate

versus

MAYANK @ GOLDEE & ORS

..... Respondents

Through: Ms. Nanita Sharma, Adv. for R-3

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT (ORAL)

1. Asif, a child, aged 12 years, died in a motor vehicular accident that occurred on 13.08.2011 statedly due to the negligent driving of a motor cycle bearing registration no.UP-15AM-6997, admittedly insured against third party risk with the third respondent (insurer). On the accident claim case (MACP no.168/12) filed by his parents, the Motor Accident Claims Tribunal (Tribunal), by judgment dated 03.09.2014, awarded compensation in the total sum of Rs.3,75,000/-.
2. The appeal seeks enhancement. Reliance at the hearing is placed upon the decision of this court in *Chetan Malhotra Vs. Lala Ram, MACA 554/2010*, decided on 13.05.2016.
3. Following the method of calculation of compensation in the cases of deaths of children as per dispensation in *Chetan Malhotra* (supra), the compensation in the present case is recomputed as

(Rs.15,000/- x 785 / 331 x 15) Rs.5,33,610.27, rounded off to Rs.5,34,000/- to which equal sum is to be added as the composite non-pecuniary damages so as to compute the final amount of compensation at (Rs.5,34,000/- x 2) Rs.10,68,000/-. The award is modified accordingly. It shall carry interest as levied by the Tribunal at 9% p.a.

4. The insurance company is directed to satisfy the award as modified above by depositing requisite amount with the Tribunal within 30 days making it available to be released.

5. The appeal and the pending application are disposed of in above terms.

AUGUST 23, 2017

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R.K.GAUBA, J.



सत्यमेव जयते