

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MAC No. 504 of 2012**

1. Bhuvan Lal Sahu S/o late Chowaram Sahu, Aged about 35 years,
2. Smt. Neera Bai Sahu W/o Bhuvan Lal Sahu, Aged about 32 years,
3. Ku. Chetan Sahu, Minor D/o. Bhuvan Lal Sahu, Aged about 5 years, through Legal guardian father Bhuvan Lal Sahu.

All are R/o Village-Bakma, Police Station-Bagbahra, District-Mahasamund, Chhattisgarh

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1. Sujeet Shrivastava S/o Anjani Shrivastava, Aged about 28 years, R/o. Ward No.5, Near Water Tank, Nayapara, Mahasamund, District Mahasamund Chhattisgarh (Driver)
2. Anjani Kumar Shrivastava S/o Late Ramdayal Shrivastava, Aged about 48 years, R/o Ward No. 5, Near Water Tank Nayapara, Mahasamund, District Mahasamund, Chhattisgarh (Owner)
3. Branch Manager, Choramandalam General Insurance Company, Chawnla Complex, Devendra Nagar, Tiraha Road, Raipur, District Raipur, Chhattisgarh

---- Respondents

For Appellants	:	Mr. Bharat Rajput, Advocate
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Hon'ble Shri Justice P. Sam Koshy**Order on Board****12/02/2018**

1. None for the respondents though served.
2. The present is an appeal by the Claimants under Section 173 of the Motor Vehicles Act. Challenge is to the award dated 31.03.2012, passed by the Motor Accident Claims Tribunal, Mahasamund, Chhattisgarh, in Claim Case No.99/2010.
3. Vide the impugned award, the Tribunal in a death case of a 12 years old child has awarded a compensation of Rs.72,000/- with interest @ 6% per annum.
4. The counsel for the appellants submits that compensation awarded by the Tribunal is on the lower side and the Claimants are entitled for

a substantial amount of compensation. There is no representation on behalf of the Insurance Company to oppose the appeal of the Claimants.

5. At this juncture it would be relevant to refer to the decision of the Hon'ble Supreme Court in the case of ***"Kishan Gopal and Another vs. Lala and Others."*** reported in ***(2014) 1 SCC 241*** so also the judgment of the Hon'ble Supreme Court in the case of ***"Lata Wadhwa and Others Vs. State of Bihar and Others"*** reported in ***(2001) 8 SCC 197*** wherein in both the judgments the Hon'ble Supreme Court has held that in the event of a death of a child of more than 10 years, the notional income of said deceased ought to be assessed at Rs.30,000/- per annum and the multiplier to be applied should be 15.
6. In the instant case also the deceased Tekam Sahu was 12 years of age and applying the principles and ratio laid down by the Hon'ble Supreme Court in the aforesaid two judgments, this Court assesses the notional income of the deceased at Rs.30,000/- and applying the multiplier of 15 awards the compensation of Rs.4,50,000/- towards loss of dependency and in addition an amount of Rs.50,000/- is also awarded under conventional head to make the total compensation payable at Rs.5,00,000/- instead of Rs.72,000/-.
7. The enhanced amount shall also carry interest at the same rate as awarded by the Tribunal.
8. The appeal thus stands allowed and disposed off.

Sd/-
(P. Sam Koshy)
Judge