

HIGH COURT OF CHHATTISGARH, BILASPUR

MAC No. 208 of 2014

1. Parasram Sarathi S/o Ghashiya Ram Sarathi Aged About 60 Years Occupation – Labour,
2. Smt. Savitri Bai Sarathi W/o Parasram Sarathi Aged About 40 Years occupation Housewife,

Both R/o Mitthumuda, Sarathipara, Tah. And Distt. Raigarh C.G.

---- Appellants

Claimants

Versus

1. Laxmikant Sahu S/o Shani Ram Sahu Aged About 24 Years, occupation driver, R/o Kabir Chowk, Raigarh, Tah. And Distt. Raigarh C.G
2. Vedprakash Sahu S/o Charanlal Sahu Aged About 31 Years owner, R/o Bypass Orissa Road, Saraibhather, Raigarh, Tah. And Distt. Raigarh C.G.,
3. Jahir Ahmad Siddaqui S/o Aftab Ahmad occupation previous vehicle owner, R/o Maahapali, Loing, Tah. And Distt. Raigarh C.G.
4. Shriram General Insu.Co.Pvt.Ltd. Thru- Chief Branch Manager, E-8, Riko Industrial Area, Seetapura, Jaipur Rajasthan, District : Jaipur, Rajasthan

---- Respondents

For Appellants	:	Shri Krishna Tandon, Advocate.
For Respondent No.4	:	Shri Deepak Gupta, Advocate.

Hon'ble Shri Gautam Chourdiya, J

Judgment On Board

03/12/2018

The appellants, parents of the deceased Ku. Amerinbai, aged 8 years, filed an application for compensation under Section 166 of the

Motor Vehicles Act, claiming compensation of Rs.52.80 lacs as she died on account of injuries suffered by her in a motor vehicular accident occurred on 20.6.2013 due to rash and negligent driving of vehicle Pickup bearing registration No. CG 13 D 8184 by non-applicant No.1. Non-applicant No.2 is the present owner of the offending vehicle whereas earlier it was owned by non-applicant No.3 and it was insured with non-applicant No.4 at the time of accident.

02. After considering evidence led by both the parties, the learned Motor Accident Claims Tribunal, Raigarh by the impugned award dated 1.2.2014 awarded total compensation of Rs.1,02,000/- in favour of the claimants with interest @ 6% pa from the date of application till realization fastening liability on non-applicants No. 1, 3 & 4 jointly and severely.

03. Being aggrieved by the aforesaid award, the appellants have filed the instant appeal for enhancement. However, no counter appeal has been filed by the respondents.

04. Learned counsel for the appellants submits that the amount awarded by the learned Tribunal is very much on the lower side and needs to be enhanced suitably keeping in view the decision of the Hon'ble Supreme Court in the matter of ***Kishan Gopal and another Vs. Lala and others, (2014) 1 SCC 244.***

05. On the other hand, learned counsel for the insurance company supporting the impugned award submits that the amount awarded by the Tribunal is just and proper and needs no interference by this Court.

06. Heard learned counsel for the parties and perused the material available on record.

07. The Hon'ble Supreme Court in the matter of ***Kishan Gopal and another Vs. Lala and others, (2014) 1 SCC 244***, wherein a child aged about 10 years died in motor vehicular accident occurred on 19.7.1992 and the claimants were young parents, considering its various earlier decisions awarded Rs.5 lacs towards total loss of dependency.

08. Thus, in view of the aforesaid decision, looking to the age of the parents and that of the deceased, this Court is of the opinion that the appellants/claimants are entitled for a total sum of Rs.5 lacs as compensation. Since the Tribunal has already awarded Rs.1,02,000/-, after deducting the same, the claimants are held entitled for additional compensation of Rs.3.98 lacs with interest @ 6% per annum from the date of application till realization. However, rest of the conditions of the impugned award shall remain intact. Ordered accordingly.

09. With the aforesaid modification in the award impugned, the appeal stands disposed of.

Sd/

(Gautam Chourdiya)

Judge