

HIGH COURT OF CHHATTISGARH, BILASPUR**MAC No. 1494 of 2018**

1. Smt. Rijmani W/o Raju Bagraj aged about 25 years,
 2. Raju Bagraj S/o Budhram aged about 26 years M.N. 8819926229,
- Both are caste of Nageshya R/o Village Khaddhowa P.S. & Tahsil Batouli,
District Surguja, C.G.

---- Appellants/Claimants**Versus**

1. Ramel Singh S/o Jogendra Singh aged about 55 years R/o Village Sahouda P.S. Kharad District Mohali S.A.S. Nagar (Punjab) Present Address Telibandha Moulipara P.S. Telibandha Raipur District Raipur C.G. M.N. 8427972317.
2. Divisional Manage, National Insurance Company Ltd. Division Office Taha Complex Vyaparvihar Ringh Road No.1 Priyadarshani Nagar Bilaspur, District Bilaspur C.G.

---- Respondents

For Appellants : Shri A.N. Pandey, Advocate.
For Respondent No.2 : Shri P.K. Tulsyan, Advocate.

Hon'ble Shri Gautam Chourdiya, J**Judgment On Board****28.11.2018**

1. The appellants, parents of the deceased Sukhnandan Nagesiya, aged 5 years, Student, filed an application for compensation under Section 166 of the Motor Vehicles Act, claiming compensation of Rs.7,05,000 lacs as he died on account of injuries suffered by him in a motor vehicular accident occurred on 04.02.2017 due to rash and negligent driving of vehicle bearing registration No. PB65/AN/1917 by non-applicant No.1/Driver & Owner and it was insured with non-applicant No.2 at the time of accident.

2. After considering evidence led by both the parties, the learned Motor Accident Claims Tribunal, Ambikapur, District Surguja, C.G by the impugned award dated 2.04.2018, in claim case No.153/2017 awarded total compensation of Rs.2,55,000/- in favour of the claimants with interest @ 7% pa from the date of application till realization fastening liability on non-applicant-2.
3. 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.
4. 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.***
5. 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.
6. Heard learned counsel for the parties and perused the material available on record.
7. 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.
8. 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.2,55,000/-, after deducting the same, the claimants are held entitled for additional compensation of Rs.2,45,000 lacs with interest @ 7% per annum from the date of application till realization. However, rest of the conditions of the impugned award shall remain intact. Ordered accordingly.

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

Sd/-
(Gautam Chourdiya)
Judge

Akhilesh