

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

4 FIRST APPEAL NO. 757 OF 2002

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| <ol style="list-style-type: none"> 1. Kadubai w/o Bapurao Chamner
Age: 68 yrs., Occu.: HH,
R/o. Yelda, Tq.Ambajogai, Dist.Beed. 2. Bapurao Venkatrao Chamner
Age: 68 yrs., Occu.: Agri.,
R/o.: As above. | <p>..Appellants/
Orig. Claimants</p> |
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Versus

- | | |
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| <ol style="list-style-type: none"> 1. Nawab Khan Nabi Niyamat Beg
Age: 48 yrs., Occu.: Business,
R/o. Jakekur, Tq.Omerga, Dist.Usmanabad. 2. Branch Manager,
United India Insurance Co.Ltd.,
Branch Office,
2-4-14, M.G.Road, Secunderabad, A.P.. | <p>..Respondents</p> |
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Advocate for Appellants : Shri Vivek Bhavthankar
Advocate for Respondent No.2 : Shri A.D.Soman h/f.
Shri D.V.Soman
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CORAM : P.R.BORA, J.

DATE: 26th October, 2018

ORAL JUDGMENT:-

1 The claimants in Motor Accident Claim Petition No.282 of 1992 have preferred the present appeal seeking enhancement in the amount of compensation awarded in the said matter by the Motor Accident Claims Tribunal at

Beed, decided on 02.02.2000.

2 The son of the present appellants died in a vehicular accident at the age of 16. According to the learned Counsel for the appellants, the deceased was working as a Cleaner on the Truck owned by respondent No.1 and used to earn around Rs.700/- per month. The claimants had claimed compensation of Rs.1,50,000/-. The Tribunal has awarded the compensation of Rs.76,800/-. The learned Counsel submitted that the claimants had claimed so reasonable amount of compensation that the entire amount must have been awarded by the Tribunal. The learned Counsel, therefore, sought for enhancement of compensation amount and to allow the claim petition in toto as was filed by the claimants.

3 Shri A.D.Soman, learned Counsel appearing for the respondent No.2 Insurance Company, has supported the impugned Judgment and award. The learned Counsel submitted that no interference is required in the Judgment and award passed by the Tribunal and the amount of compensation as determined by the Tribunal may not be

increased while deciding the present appeal.

4 It is not in dispute that the son of the claimants died in a vehicular accident when he was 16 years' old and working as Cleaner on the Truck. Having considered the age and income of the deceased, it appears to me that the claimants had claimed reasonable compensation of Rs.1,50,000/-. Perusal of the Judgment reveals that the Tribunal has held the income of the deceased to the tune of only Rs.600/- per month and out of that also while determining the amount of compensation, deducted 1/3rd of that amount. It appears to me that the amount of compensation, which was claimed by the appellants - claimants to the tune of Rs.1,50,000/- was a reasonable amount of compensation. I am, therefore, enhancing the amount of compensation to the aforesaid extent. In the result, the following order is passed:-

ORDER

- I) The appellants - claimants are held entitled for enhanced compensation of Rs.73,200/-.

II) The respondents are directed to pay the enhanced amount of compensation to the claimants alongwith interest @ 9% p.a. from the date of filing of appeal till its realization.

III) The appeal stands allowed in the aforesaid terms.

(P.R.BORA)
JUDGE

SPT