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HIGH COURT OF CHHATTISGARH, BILASPUR**MAC No. 815 of 2013**

- National Insurance Company Limited Near Main Post Office, Jagdalpur, Distt. Bastar, Thru- Auth.Sign. National Insu.Co.Ltd., Divisional Office, Bilaspur C.G., Chhattisgarh

----Appellant**Versus**

1. Channu Bhaskar S/o Masa Ram aged about 60 years (Dead)
2. Smt. Malti W/o Channu Bhaskar Aged About 35 Years

Both are R/o Nayapara, Geedam, Tahsil Geedam, District South Bastar Dantewada C.G.

3. Rajnish Surana S/o Manak Lal Surana Aged About 28 Years R/o Main Road, Suranapara Geedam, Tah. Geedam, Distt. South Bastar Dantewada C.G.

---- Respondents

For Appellant	Shri B.N. Nande, Advocate.
For Respective Respondents	Shri R.N. Jha, Advocate & Shri P.R. Patankar, Advocate.

Hon'ble Shri Justice Gautam Chourdiya**Judgment on Board****01/05/2019**

1. Heard on I.A. No.5, application for deleting the name of respondent no.1 from the array of respondents as he has died and his only legal heir is respondent no.2.
2. On due consideration, the application is allowed and the counsel for the appellant is permitted to delete the name of respondent no.1 from the cause title today itself.
3. With the consent of the parties, the matter is heard finally.

4. This appeal is by the Insurance Company against the award dated 08.05.2013 passed by the Motor Accident Claims Tribunal, Dantewada, C.G. in Claim Case No.42/12 awarding total compensation of Rs.2,25,000/- with interest @ 6 per annum from the date of application till realization, fastening liability on the non-applicant no.2/Insurance Company.
5. As per claim petition, on 29.03.2012 deceased Pooja Bhaskar, aged about 1½ years, baby child, died in the motor vehicular accident caused due to rash and negligent riding of motorcycle bearing no.CG18-G-8055 by non-applicant No.1 Owner and Driver. At the time of accident, offending vehicle was insured with non-applicant no.2.
6. On claim petition being filed by the claimants i.e. parents of deceased under Section 166 of the Motor Vehicles Act, the Tribunal considering the evidence led by both the parties passed an award as mentioned in para 1 of this judgment.
7. Learned counsel for the appellant/Insurance Company has challenged the award on the sole ground that the amount awarded by the Tribunal is on higher side and needs to be reduced suitably.
8. On the other hand, learned counsel for the respondents support the impugned award and submit that the Tribunal considering all the relevant aspects of the matters has rightly awarded compensation which needs no interference by this Court.

9. I have heard learned counsel appearing for the parties and perused the impugned award including the records of the claims Tribunal.
10. Considering the age of the deceased i.e. 1½ years, in view of the decision of the Hon'ble Supreme Court in the matter of **Kishan Gopal and Another Vs. Lala and others, (2014) SCC 244,** the learned Tribunal awarded compensation to the tune of Rs.2,25,000/- which cannot be said to be on higher side. Thus, considering the overall evidence available on record, I am of the view that the Tribunal has not committed any error in fastening the liability to pay compensation upon the appellant/Insurance Company.
11. In the result, the appeal being without any substance is liable to be dismissed and is, accordingly, dismissed.

Sd/-
Gautam Chourdiya
Judge