

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

FIRST APPEAL NO.789 OF 2006

Dinkar s/o Keshav Mundhe & anr. ... **APPELLANTS**

VERSUS

Sudhakar s/o Shivajirao Jagtap & ors. ... **RESPONDENTS**

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Mr. N.D. Kendre, Advocate for appellants
Mr. H.R. Lomte, Advocate holding for
Mr. S.B. Bhapkar, Advocate for respondent No.1.
Mr. R.F. Totla, Advocate for respondent No.2.

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CORAM : R. G. AVACHAT, J.

DATE : 30th September, 2021

PER COURT :

This appeal has been preferred for enhancement of compensation awarded by the Motor Accident Claims Tribunal. The appellants herein are the parents of the deceased. The deceased breathed his last when it was 5 years old. The parents, therefore, preferred petition for compensation. The Tribunal, after having appreciated the evidence in the matter, granted sum of Rs.1,00,000/- inclusive of No Fault Liability amount as compensation with interest @ 9% p.a.

2. Heard. Learned counsel for the respondent Insurance Company would submit that, the amount of compensation was just and reasonable considering the year in which the accident took place. The deceased was five years of age. The parents were young and having prospects of another child.

3. Considered the submissions advanced. In view of this Court, the amount of compensation awarded is grossly inadequate. In view of the same, the Court proposes to enhance it to Rs.3,00,000/- including what has been awarded by the Tribunal with no change in the rate of interest awarded. In view of the same, the appeal succeeds in terms of the following order:

ORDER

4. The amount of compensation awarded by the Tribunal is enhanced to Rs.3,00,000/- with interest @ 9% p.a. Rest of the terms of the award to remain unchanged.

**(R. G. AVACHAT)
JUDGE**

fmp/-