IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE AMAR NATH (KESHARWANI)

ON THE 5th OF JANUARY, 2024

MISC. APPEAL No. 231 of 2019

BETWEEN:-

1. **SMT. RADHA BAI W/O BHAIYAJI PATEL, AGED ABOUT 40 YEARS, OCCUPATION: HOUSE WIFE R/O GRAM SAKRA PATAN THANA PATAN DISTRICT JABALPUR (MADHYA PRADESH)**

2. **BHAIYAJI PATEL S/O GHOOR SINGH PATEL, AGED ABOUT 44 YEARS, OCCUPATION: LABOUR R/O GRAM SAKRA PATAN THANA PATAN DISTRICT JABALPUR (MADHYA PRADESH)**

.....APPELLANTS

(BY MS. SNEH MISHRA - ADVOCATE)

AND

1. **VIRENDRA KUMAR CHAKRAWATI S/O PANNA LAL, AGED ABOUT 47 YEARS, R/O CHAOUDHARI MOHALLA PATAN DISTT. JABALPUR (MADHYA PRADESH)**

2. **PANKAJ TIWARI S/O MUKUT BIHARI, AGED ABOUT 43 YEARS, R/O CIVIL LINES PATAN, DISTRICT JABALPUR (MADHYA PRADESH)**

3. **BRANCH MANAGER NATIONAL INSURANCE CO. L T D . OFFICE 495, MATHATAAL JABALPUR (MADHYA PRADESH)**

.....RESPONDENTS

(NONE FOR RESPONDENT NOS. 1 AND 2, THOUGH SERVED AND SHRI N.S. RUPRAH - ADVOCATE FOR RESPONDENT NO. 3)

This appeal coming on for admission this day, the court passed the following:

ORDER

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Heard on IA No. 307/2019, which is an application filed under Section 5 of Limitation Act for condonation of delay in filing the present appeal.

2. Considering the averments mentioned in the application, which is supported with affidavit of appellant No.1, same is allowed and delay of 19 days in filing the present appeal is hereby condoned. Accordingly, IA No. 307/2019 stands disposed of.

3. With the consent of learned counsel for parties heard finally.

4. This Misc. Appeal is filed for enhancement of compensation by the claimants being aggrieved with the award dated 11/09/2018 passed by learned Fifth Addl. Motor Accident Claims Tribunal, Jabalpur in MVC No. 2717/2018.

5. I have considered the arguments of learned counsel for parties and perused the record.

6. From perusal of record, it reveals that learned Claims Tribunal has not awarded any amount towards filial consortium, which should be awarded in the light of judgment of Hon'ble Supreme Court in the case of ***Janabai Wd/o Dinkarrao Ghorpade & Ors. Vs. ICICI Lambord Insurance Co. Ltd., 2022 (10) SCC 512.***

7. Looking to the facts and circumstances of the case, in the considered opinion of this Court, the amount awarded by the Claims Tribunal is appears to be on lower side, therefore, it would be appropriate to enhanced the aforesaid compensation amount to the tune of Rs.50,000/- lump sum.

8. Taking this view of the matter, present appeal stands partly allowed and it is directed that in addition to the amount already awarded by learned Claims Tribunal, respondent No.3/Insurance Company shall pay an additional sum of **Rs.50,000/- (Rupees Fifty Thousand Only) in faovur of the**

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appellants/claimants alongwith interest @ 6% per annum from the date of filing of the claim petition till the date of actual payment.

9. Learned counsel for respondent No.3 is directed to pay the enhanced amount within a period of sixty days from the date of receipt of certified copy of this order.

10. Other terms and conditions of the award shall remain intact.

11. Records of the claims Tribunal be sent back alongwith the copy of this order for information and necessary compliance.

(AMAR NATH (KESHARWANI))
JUDGE

skt

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