
(2006) 02 RAJ CK 0086
In the Rajasthan High Court

Mohd. Salim Farooqui and Others

APPELLANT

Vs

Ram Lal and Others

RESPONDENT

Date of Decision : 14-02-2006

Acts Referred:

Motor Vehicles Act, 1988 — Section 173

Citation : (2006) 3 ACC 382

Hon'ble Judges : K.C. Sharma, J

Bench : Single Bench

Judgement

K.C. Sharma, J.—Through this appeal u/s 173 of the Motor Vehicles Act, 1988, the appellants seek to modify the award dated 7.8.1997 passed by the learned Judge, Motor Accident Claims Tribunal, Kota, whereby the learned Judge has awarded a sum of Rs. 1,08,000 out of the total claim of Rs. 9,00,000 as claimed by the claimants.

2. I have heard learned Counsel for the appellant and gone through the award sought to be modified. An unfortunate accident took place where Mohammed Ismile, a boy of 21 years was run over by the offending truck No. RJC 248 insured by the New India Insurance Company Ltd., respondent No. 3. In the claim petition, the claimants have claimed compensation to the tune of Rs. 9,00,000 under various heads. The learned Judge, on consideration of evidence and material available on record and having concluded that the accident took place on account of rash and negligent driving of truck by its driver has awarded a sum of Rs. 1,08,000, making the respondents liable to pay the award amount to the claimants, jointly and severally.

3. The only grievance of the learned Counsel for the appellants is that the learned Tribunal has committed grave error in not awarding any amount as against the loss of love and affection. Learned Counsel submitted that at the time of accident the age of deceased was hardly 21 years and the Tribunal has applied the multiplier of only 9.

4. I have considered the above argument. In my considered view, the grievance of the learned Counsel for the appellants appears to be reasonable and thus taking into account the age of the deceased at the time of accident, I feel that amount of compensation awarded by the Tribunal need to be enhanced. Even in cases of death of boys of the age ranging from 9-21 years, the Apex Court has awarded compensation to the extent of Rs. 1,50,000. Reference may be made to a decision of the Apex Court in Shanti Bai and Others Vs. Charan Singh and Others, , where the age of the deceased at the time of accident was 18 years. The Tribunal had awarded a total compensation of Rs. 40,000. The High Court dismissed the appeal of the claimants. The Apex Court on considering the future economic prospects of the deceased, had he survived, enhanced the award to a lump sum amount of Rs. 1,50,000.

5. Relying upon the decision of the Apex Court referred to above, and taking a reasonable view of the amount which the deceased would have earned, had he survived, considering the future economic prospects of the deceased, I deem it just and proper to increase the award to a lump sum amount of Rs. 1,50,000. Meaning thereby, the appellant-claimants would be entitled to an additional amount of Rs. 42,000 as Rs. 1,08,000 have already been awarded by the Tribunal.

6. The additional amount of Rs. 42,000 shall be deposited by the respondent National Insurance Company Ltd. within 2 months from the date of this order. The claimant-appellants shall be entitled to get interest on the amount so increased at the rate of 6% p.a. from the date of filing of application till the realisation of the amount. On depositing the increased amount, the Tribunal shall disburse the same amongst the claimant-appellants.

7. Consequently, the appeal is partly allowed and the award of the learned Tribunal stands modified to the extent indicated above.