

(1994) 01 MP CK 0016
In the Madhya Pradesh High Court

Ramsher and Others

APPELLANT

Vs

Birajo Bai and Others

RESPONDENT

Date of Decision : 25-01-1994

Acts Referred:

Citation : (1994) 2 ACC 296

Hon'ble Judges : D.M. Dharmadhikari, J

Bench : Single Bench

Judgement

D.M. Dharmadhikari, J.—In a motor accident claim case, by the impugned order dated 8th April, 1992, the Court has awarded the compensation to the claimants under no fault liability in the sum of Rs. 25,000/- for death. The learned Judge of the Claims Tribunal has apportioned that amount for payment to several dependents in the following manner:

Rs. 12,500/- to Birajo Bai W/o the deceased. Rs. 7,500/- to Ku. Kachra Raot, minor daughter of the deceased. Rs. 2,500/- to each of the parents of the deceased.

2. The learned Counsel appearing on behalf of the parents argues by filing this appeal that in apportioning the amount of interim compensation, the learned Judge of the Claims Tribunal ought to have considered, that the legitimacy of relationship with Birajo Bai and the parentage of the minor daughter are all disputed matters for decision in the main case. It is also submitted that the apportionment made by the learned Judge is unjust as it overlooks to the needs of the parents.

3. Although the widow and the daughter of the deceased (Respondent Nos. 1 & 2), have been served with the notices of this appeal, no one appears for them. The learned Counsel for the Insurance Company stated that the amount of Rs. 25,000/- has already been deposited and he has nothing to say on the question of apportionment.

4. After hearing the learned Counsel for the appellants, I find hardly any scope

for interference with the order of the Claims Tribunal. However, as the questions of validity of marriage of the deceased with Birajo Bai and the legitimacy of Ku. Kachru, as their daughter, are matters in issue between the parties, the amount of compensation in deposit with the Claims Tribunal be apportioned and paid in the following manners:

1. Birajo Bai, widow of the Rs. 10,000/- deceased. 2. Kachra Raot, minor daughter of the deceased. 3. Applicant Nos. 1 and 2, Rs. 5,000/- father & mother of the deceased.

5. Consequently, the appeal succeeds only in part to the extent of directing apportionment of the impugned compensation in the manner indicated above. In the circumstances, there shall be no order as to costs.