

Daulat Ram and ors. Vs. Ramchandra and ors.

Daulat Ram and ors. Vs. Ramchandra and ors.

SooperKanoon Citation : sooperkanoon.com/769439

Court : Rajasthan

Decided On : Dec-06-2004

Reported in : II(2005)ACC357

Judge : Dalip Singh, J.

Appellant : Daulat Ram and ors.

Respondent : Ramchandra and ors.

Judgement :

Dalip Singh, J.

1. This appeal has been filed against the award dated 4.10.1993 passed by the Motor Accident Claims Tribunal, Jaipur (hereinafter referred to as 'The Tribunal') in claim Petition No. 352/1993 (91/1990) filed by the appellants, the parents of the deceased Nitin aged four years who died in an accident which took place on 5.6.1989 while travelling with the appellants in a Matador bearing Registration No. RSN 7192 and they were going to Nainital from Jodhpur via Jaipur and when the said vehicle reached near village Kanaota on the National Highway No. 11, met with an accident with a Truck bearing No. RNS 7866 which was coming from the opposite direction which was rashly and negligently being driven by driver Ramchandra the respondent No. 1. The said truck was owned by respondent No. 2 and insured by the respondent No. 3. On account of the said accident, the deceased suffered fatal injuries and died as a result thereof.

2. The learned Tribunal awarded a sum of Rs. 30,000/- as compensation for the death of the child Nitin aged four years to the appellants (parents). Learned Counsel for the appellants submits that the amount of compensation is wholly inadequate for the death of the son. Learned Counsel for the appellants placed reliance on the decision of Their Lordships of the Hon'ble Supreme Court rendered in the case of Shanti Bai and Ors. v. Charan Singh and Ors. : AIR 1999 SC845 , wherein Their Lordships have in the case of minor with non-earning income, awarded Rs. 1,50,000/- as compensation. Learned Counsel for the respondents does not dispute the fact with regard to the aforesaid judgment being passed by the Hon'ble Supreme Court.

3. I have given my thoughtful consideration to the submissions made by the learned Counsel for the parties. In the facts and circumstances of the present case, I deem it just and proper to allow this appeal in the light of the aforesaid judgment rendered in the case of Shanti Bai and Ors. v. Charan Singh and Ors. (supra). Accordingly the amount of compensation is enhanced to Rs. 1,50,000/- (Rs. one lac fifty thousand only) for the death of deceased Nitin aged four years. Since, the amount of Rs. 30,000/- as awarded by the Tribunal has already been paid to the appellants the same shall be reduced from the enhanced amount of Rs. 1,50,000/-. The balance amount comes to Rs. 1,20,000/- (Rs. one lac twenty thousand only). The respondents are directed to pay the appellants a sum of Rs. 1,20,000/- (Rs. one lac twenty thousand only) along with interest @ 6% per annum by way of demand draft/crossed cheque or deposit with the Tribunal, within three months from today me/, the date of filing of the appeal i.e., 11.1.1994. However, in case the respondents fail to pay the balance amount along with the interest within the stipulated period of three months, the appellant would be entitled to recover the amount along with interest @ 9% per annum w.e.f. the date of filing of the claim petition i.e., 1.11.1989.

The parties shall bear their own costs.