

K. Murugesh and Others

Vs

M. Palappa and Others

Civil Appeal No. .. of 1996 (Arising out of Slp (C) No. 11053 of 1994)

(N.P. Singh, S.C. Sen JJ)

05.01.1996

ORDER

1. Delay condoned.

2. Leave granted.

3. This appeal has been filed on behalf of the parents of the deceased, who became victim in an accident on 4-1-1989. Then he was aged 18 years. The Motor Accidents Claims Tribunal recorded a finding in respect of the negligence of the driver because of which the death occurred, but only an amount of Rs 30,800 along with interest at the rate of 6% p.a. was determined as the compensation payable to the appellants. On appeal being filed on behalf of the appellants, the High Court raised the amount of compensation by another Rs 5000, i.e., to an amount of Rs 35,800.

4. It has been rightly urged that in the facts and circumstances of the case, the amount determined as compensation payable to the appellants is inadequate. The victim was in the prime of his youth and had a lot of expectations from life. Merely because on that date he was not earning being a student, according to us, is not a relevant consideration for the purpose of determining the compensation payable to the appellants.

5. Taking all the facts and circumstances into consideration, we direct Respondent 3, New India Assurance Co. Ltd. to pay an amount of Rs 1,00,000 along with interest at the rate of 6% per annum from the date of filing of the claim petition. If the amount directed by the High Court has already been paid, then the balance amount shall be paid within four months from today.

6. The appeal is allowed. No costs.