

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.6440 OF 2000

SANTOSH RANI

... APPELLANT

VERSUS

RANJIT SINGH & ORS.

... RESPONDEN

TS

O R D E R

Heard the parties.

This is an unfortunate case. This appeal has preferred by the  
 appellant-Santosh Rani, mother of deceased Pankaj Bansal who lost hi  
 life on 6.10.1993 arising out of a motor accident.

The said Pankaj Bansal was aged 13 years at the time he met  
 with a fatal accident. Claim petition was filed by his mother, Santosh Rani.

The Tribunal framed as many as six issues. The relevant issue wh  
 are concerned for proper adjudication of the appeal is issue No.1

:

"Whether Pankaj Bansal died due to the rash and negligent act of Ranjit

Singh respondent No.1/OPA. The Tribunal after examining the evidence

adduced before it come to the finding that the accident took place due to

the rash and negligent driving of the respondent No.1, the driver.

Having come to the such finding the Tribunal assessed quantum

of compensation on the basis of statement of AW.3 claimant, Smt. Santosh

60 Rani, who has stated that the deceased used to earn Rs. 50 or  
daily.

The Tribunal disbelieved the testimony of the claimant on the ground that

no materials on the file to corroborate the statement made by the claimant.

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Accordingly, the Tribunal held that there was no source of income of the

deceased is proved. The Tribunal, however, awarded Rs.50,000/- on

account of no fault liability. Being aggrieved the claimant preferred an

unsuccessful appeal before the High Court. Hence, the present appeal to

special leave.

Both the Tribunal and the High Court completely ignored the

factum of loss of life at a tender age, the future prospect of young man

and mental agony suffered by the claimant. In our view, the award of Rs.50,000/- on no fault liability in the case of death of a person is too meager. In the peculiar facts and circumstances of this case, we award the lump sum compensation of Rs.2,50,000/- to the claimant with the interest awarded by the Tribunal. The compensation shall be paid by the respondents jointly and severally.

The appeal is allowed in the above terms.

.....J.

( H.K. SEMA )

.....J.

( V.S. SIRPURKAR )

NEW DELHI,

APRIL 11, 2007.

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ITEM NO.106

COURT NO.6

SECTION IV

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 6440 OF 2000

SANTOSH RANI

Appellant (s)

VERSUS

RANJIT SINGH & ORS

Respondent(s)

(With office report )

Date: 11/04/2007 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.K. SEMA  
HON'BLE MR. JUSTICE V.S. SIRPURKAR

For Appellant(s)

Mr. Sunjay Singh, Adv.  
Mr. Sandeep Chaturvedi, Adv.  
Mr. Ugra Shankar Prasad, Adv.

For Respondent(s)

Mr. Balbir Singh Gupta, Adv.

Rr-Ex-Parte

UPON hearing counsel the Court made the following  
O R D E R

Heard the parties.

The appeal is allowed in terms of the signed order.

(PAWAN KUMAR)  
ND SINGH)

COURT MASTER

(ANA

COURT MASTER

(signed order is placed on the file)