

## IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

## FIRST APPEAL No. 5100 of 2001

**For Approval and Signature:**

**HONOURABLE MR.JUSTICE KS JHAVERI**

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1 Whether Reporters of Local Papers may be allowed  
to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy  
of the judgment ?

4 Whether this case involves a substantial question  
of law as to the interpretation of the  
constitution of India, 1950 or any order made  
thereunder ?

5 Whether it is to be circulated to the civil judge  
?

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**GOKALBHAI MANSINGBHAI KOLI PATEL & 1 - Appellant(s)**

**Versus**

**CHANDRIKABEN SURENDRABHAI PANCHAL & 1 - Defendant(s)**

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**Appearance :**

MR SK BUKHARI for Appellant(s) : 1 - 2.

NOTICE SERVED for Defendant(s) : 1,

MR DAKSHESH MEHTA for Defendant(s) : 2,

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**CORAM : HONOURABLE MR.JUSTICE KS JHAVERI**

**Date : 31/01/2012**

**ORAL JUDGMENT**

1. Heard learned advocates for the parties and perused the papers on record.

2. The appellant herein has challenged the award dated 05.12.2000 passed by the Motor Accident Claims Tribunal Panchmahals at Godhra in Motor Accident Claims Petition No. 1967 of 1999 so far as the Tribunal awarded only Rs. 90,000/- as compensation with interest at 12% per annum.

3. It is the case of the appellant that on 30.08.1999 while the son of the appellant was standing on the side of the road waiting for a vehicle, a truck bearing registration no. GJ-17 X 2329 being driven by the original opponent no. 1 in a rash and negligent manner, dashed with the son of the appellant as a result of which he sustained injuries on various parts of the body and succumbed to those injuries. The appellants therefore filed claim petition to the tune of Rs. 3,20,000/-. The Tribunal after hearing the parties passed the aforesaid award.

4. Mr. Bukhari, learned advocate appearing for the appellant submitted that the Tribunal failed to take into consideration the entire facts of the case and evidence on record and thereby erred in awarding adequate amount under various heads.

5. As a result of hearing and perusal of records, this court is of the view that considering the evidence on record and the facts and circumstances of the case, the Tribunal came to the conclusion that the son of the appellants passed away as a result of the rash and negligent driving of the original opponent no. 1. Nothing is pointed out before this Court to take a contrary view. The Tribunal has finally quantified the amount of compensation at Rs. 90,000/- as per the Second

Schedule of the M.V. Act considering the age and future prospects of the deceased. This court is in complete agreement with the reasonings adopted and findings arrived at by the Tribunal and therefore do not see any reason for causing interference.

6. In the premises aforesaid, appeal is dismissed. No costs.

(K.S. JHAVERI, J.)

Divya//