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IN THE HIGH COURT OF DELHI AT NEW DELHI

MACA No. 556/2010

Date of Decision: September 27, 2010

BANWARI LAL AND ANR Appellants
through Mr. Manish Maini, Advocate

versus

RISHI PRAKASH AND OTHERS Respondents
through Mr. K.L.Nandwani, Advocate for
respondent No.3.

CORAM:
HON'BLE MISS JUSTICE REKHA SHARMA

1. Whether the reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporter or not?
3. Whether the judgment should be reported in the 'Digest'?

REKHA SHARMA, J. (ORAL)

The appellants are the parents of a child who was just one year old when he died in a road accident. They have been awarded a sum of ₹ 1,50,000/- along with interest thereon by the learned Motor Accident Claims Tribunal. They are not satisfied with the amount awarded to them. Hence, the present appeal.

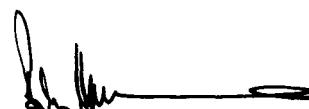
The learned counsel for the appellants has relied upon a judgment of this Court in the case of *Jitender Kumar & Anr. versus Oriental Insurance Company Ltd. & Anr.*, reported in III (2010) ACC 581. In that case, a child of 3 years had died in the accident and the Court

after considering various judgments of the Supreme Court, particularly, the judgment in the case of *R.K.Malik versus Kiran Pal*, reported in IV (2009) SLT 146, awarded a lump-sum compensation of ₹ 3,75,000/-.

It has been time and again held by various Courts including the Apex Court that in cases of young children of tender age, in view of uncertainties of life, neither their income at the time of death or the prospects of future increase in their income nor chances of advancement of their career are capable of proper determination on estimated basis. Hence, the Courts have in such cases awarded lump-sum compensation. In the case of *R.K.Malik* (supra), young children between the age group of 8-14 years had died and each one of them were awarded compensation to the tune of ₹ 3,75,000/-. I see no reason for not awarding the same compensation to the appellants on account of the death of their child who, as noticed above, was one year old and in whose case also, the same uncertainties of life prevailed as in the case of *R.K.Malik* (supra) and in the case of *Jitender Kumar & Anr* (supra).

For the foregoing reasons, I enhance the compensation awarded by the Claims Tribunal from ₹ 1,50,000/- to ₹ 3,75,000/- with a direction to respondent No. 3 to pay the same within six weeks along with interest thereon as awarded by the Tribunal from the date of the filing of the claim petition till realization.

The appeal is disposed of.


REKHA SHARMA, J

SEPTEMBER 27, 2010
PC.