

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.882 of 2002 (O&M)
Date of Decision:23.09.2015

Zamshida and another

....Appellants

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present:

Mr. Ravi Gakhar, Advocate for
Mr. Jagdish Manchanda, Advocate for the appellants.

Mr. P.K. Jangra, Addl. A.G., Haryana for respondents No.1&2.

Ms. Vandana Malhotra, Advocate for respondent No.4-
National Insurance Company Ltd.

NAVITA SINGH, J.

1. The appeal is preferred against the award dated 05.09.2001 passed by Motor Accident Claims Tribunal, Kurukshetra (Tribunal for short), vide which compensation of Rs.80,000/- was awarded to the appellants. Being dissatisfied with the amount awarded, the present appeal was filed by the parents of the deceased child.
2. The case of the appellants was that on 31.03.2000 at about 05:30 PM, deceased Intzar, son of the appellants, was playing on the kacha portion of the Kurkshetra-Pehowa road. In the meanwhile, bus No.HR-37-3514 driven in a rash and negligent manner by respondent No.3 came towards the kacha portion of the road and hit the child, who died.
3. The Tribunal, after considering the deceased the only child of the appellants and on becoming older, he would have earned something to his parents, took the notional income at Rs.400/- per month and after fixing the dependency for the parents at Rs.300/- per month, granted the compensation by

applying the multiplier of twenty. An amount of Rs.4,000/- each was awarded for funeral expenses and transportation of the dead body.

4. Counsel for the appellants argued that the amount awarded for funeral expenses was low and also the amount otherwise awarded was inadequate. Counsel for the Insurance Company, however, argued that keeping in mind the year, in which the accident took place, sufficient amount was awarded as even now an amount of Rs.1,50,000/- or the like is being awarded for death of such small children.

5. The accident took place in 2000 and, therefore, it cannot be said that the notional income taken was lower side. Even multiplier applied was quite high and adequate. Keeping in view the social and economic status of the appellants, funeral expenses were also given liberally and rather compensation for transportation of the dead body was quite on the higher side compared to the year in which death took place.

6. It is, therefore, felt that the compensation awarded by the Tribunal for the death of child, who was five years old in the year 2000, was quite adequate. The award calls for no interference on any count.

7. The appeal is dismissed.

(NAVITA SINGH)
JUDGE

23.09.2015
Ishwar

Whether to be referred to reporter: Yes