

(309) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.2685 of 1996 (O&M)
Date of decision: 4.3.2015

Krishan Lal

.... Appellant

Versus

UOI and Ors.

.... Respondents

Present: Mr. Puneet Jindal, Senior Advocate with Ms. Sakshi,
Advocate for the appellant.

None for the respondents.

S.S. Saron, J.

The appellant Krishan Lal aggrieved against the inadequate compensation granted by the learned Motors Accident Claims Tribunal, Ambala ("Tribunal" – for short) has filed the present appeal for claiming more compensation.

Notice was issued by this Court to Union of India on 5.12.2013 for 27.3.2014. As per office report, a counsel is to appear for the Union of India. However, none has appeared.

Heard counsel for the appellant.

Smt. Shakuntla, her minor son Harish, her brother-in-law Darshan Lal and wife of Darshan Lal namely Smt. Sunita (all deceased in the case) were going on scooter No.CHO-01-6416 from the village Billa to Mansa Devi Mandir on the fateful day of 1.5.1994. They crossed village Jai Singhpora and in the meanwhile at about 11.45 a.m., a military convoy came from the opposite side which was proceeding towards Dehradun. At that time, a military truck bearing No.91-D-88650-M-271-10 was towing another

military truck with a chain. The said truck suddenly turned towards right and applied brakes as a result of which the driver of the truck could not control the truck and both the trucks collided as a result of which the truck turned with their front towards Panchkula side i.e. towards the side from which they were coming. In the process, the front truck crushed all four occupants of the scooter No. CHO-01-6416 resulting in the death of Darshan Lal, Smt. Sunita and Harish, minor at the spot. Smt. Shakuntla Devi expired at the PGI, Chandigarh on 3.5.1994 on account of the injuries that she had suffered in the said accident. Case FIR No.37 dated 1.5.1994 was registered at Police Station Chandimandir in respect of the accident.

Insofar as the present claim petition filed by Krishan Lal is concerned, he has claimed compensation for the demise of his minor son namely Harish who was aged about 1.5 years at the time of accident. The learned Tribunal has awarded a lump sum amount of Rs.50,000/- for the death of the minor Harish.

This Court in the case of Smt. Nikki and Others v. State of Haryana and Others, 2014 (2) RCR (Civil) 454 considered the case where a child aged 1.5 years had died and the Motor Accidents Claims Tribunal awarded a lump sum amount of Rs.1.00 lakh. This Court felt that the ends of justice would be adequately met in case another amount of Rs.2.5 lacs was awarded to the appellants in the said case. The Hon'ble Supreme Court in Santosh Rani v. Ranjit Singh Others, 2008 Accident Claims Journal 1405 considered the case where the deceased was a boy aged 13 years earning Rs.50/- or Rs.60/- per day. No source of income of the deceased was

proved. The Motor Accidents Claims Tribunal in the said case awarded Rs.50,000/- on account of no fault liability. The High Court upheld the award. The Supreme Court held that the award of Rs.50,000/- for no fault liability in the case of death of a person was too meager and compensation was enhanced to Rs.2,50,000/-. In the said Santosh Rani's case, the deceased boy was 13 years.

In the present case, the deceased Harish minor was aged 1.5 years at the time of his death. Therefore, following the judgment in Smt. Nikki's case (Supra) where also the boy was 1.5 years of age, a sum of Rs.2,50,000/- is liable to be awarded.

Accordingly the appeal is disposed of and the appellant shall be entitled to further a lump sum of Rs.2,50,000/- over and above that has been awarded by the learned Tribunal.

(S.S. Saron)
Judge

4.3.2015
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