

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

FAO No. 2709 of 2001 (O&M)

Date of decision: November 28, 2015

Satbir and another

...Appellants

Versus

Lokender Singh and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE K. KANNAN

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

Present: Mr. Adarsh Jain, Advocate,
for the appellants.

Mr. Randhir S. Hooda, Advocate,
for respondent Nos. 1 and 2.

K. KANNAN, J. (Oral)

1. The appeal is for enhancement of compensation for the death of a male aged 14 years. He was said to be engaged as agriculture labour. The claimants are the parents. The accident took place on 4.10.1998 and the Tribunal awarded ₹50,000/-.

2. It will be difficult to apply the scales of compensation which are now granted and the case will have to be only examined from the point of view, if there was seriously anything amiss in the judgment. It will be too difficult to accept that at 14 years, he was contributing to the family as an agricultural labourer. However, compensation for death of an unmarried son for the parents are awarded on the reasonable expectation of the parents

and the likely contribution which a son would have made to parents in their old age. The aspect of love and affection for parents are real and there have been some judgments of the Supreme Court which have allowed for special damages for parents. Considering the fact that the courts have allowed for lakhs of rupees for loss and love to each parents in the present law dispensation and having further regard to the fact that the special damages have been awarded in the range of ₹50,000/- to ₹75,000/-, I am of the view that compensation of ₹5 lakhs will be appropriate, more particularly in view of the law laid down in Kishan Gopal and another Versus Lala and others (2014) 1 Supreme Court Cases 244, wherein the Supreme Court granted compensation of ₹5 lakhs for the death of a boy aged 10 years, who was also an agricultural labour for an accident that had taken place in the year 1992. I follow the same judgment and grant ₹5 lakhs to the appellants/parents.

3. The additional amount of compensation shall also carry interest @ 7.5% from the date of the petition till date of payment.

3. The award is modified and the appeal is allowed to the extent making no modification about the liability already assessed on respondent No.1 and 2A.

November 28, 2015
prem

(K.KANNAN)
JUDGE