

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

FAO No.3000 of 2013
Date of Decision: 13.03.2015

Indira and another

..... APPELLANTS

VERSUS

Jaswant Singh and others

..... RESPONDENTS

PRESENT: - Mr. Deepak Gupta, Advocate
for the appellants.

Mr.Sukhdarshan Singh, Advocate for
respondent No.3-Insurance Company.

CORAM: **HON'BLE MR. JUSTICE SHEKHER DHAWAN**

- 1) Whether Reporters of the 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?

SHEKHER DHAWAN, J.

The claimants have challenged the award dated 20.02.2013 passed by the Motor Accident Claims Tribunal (hereinafter referred to as 'The Tribunal') whereby

the Tribunal had awarded a sum of ₹1,80,000/- as compensation on account of death of Ramanjot Kaur.

Brief facts of the case that on 30.03.2012 Ramanjot Kaur (since deceased) had gone to shop situated at the bus stand of village Badal for taking some articles. At about 4.30 P.M. when she was crossing the road, a bus bearing No.Pb-31-D-2825 came from Bathinda side and struck against her. Resultantly, Ramanjot Kaur sustained injuries on various parts of the body and died on the spot. The post-mortem examination of the dead body was got done. The matter was reported to the police on the same day. The claimants are parents of the deceased and the age of Ramanjot Kaur was four years at the time of her death as per post-mortem report. 'The Tribunal' awarded a sum of ₹1,80,000/- as compensation in the case.

Learned counsel for the appellants-claimants took the plea that 'The Tribunal' has completely ignored the material facts and only a meager amount has been awarded as compensation although the claimants lost their only child. Appellants prayed that the compensation amount be enhanced accordingly.

Learned counsel for the respondent-Insurance Company took the plea that the Tribunal has already considered the material facts and particularly the

age of the deceased as she was not earning anything rather her age was four years only. The appeal is without any merit and the same be dismissed.

Having considered the rival contentions raised by learned counsel for both the parties, this Court is of the considered view that the material facts of the case are not disputed. The deceased who was at the age of four years and was only child of the claimants, who are parents of Ramanjot Kaur, 'The Tribunal' had taken notional income of the deceased to be ₹15,000/- per annum. The multiplier was applied to be of 15. However, while calculating the amount of compensation, it was wrongly calculated ₹1,80,000/- although it should be ₹2,25,000/- as per 'The Tribunal' itself as is evident from para No.19 of the award.

It is a matter of common knowledge that loss of love and affection and especially loss of the only child of the parents cannot be quantified in terms of money by any standard. More so, there cannot be any scientific formula to calculate the amount of compensation in any way and somewhat guess work has to be done to determine the 'just compensation'.

Learned counsel for the appellants placed reliance upon authority of law from Hon'ble Supreme Court

in case of **Kishan Gopal and another Vs. Lala and others** 2013(5) Recent Apex Judgments 222 whereby Hon'ble Supreme Court awarded compensation to the tune of ₹5 lacs.

I have gone through the above referred ruling from Hon'ble Supreme Court and of the view that the facts of the case in hand are distinguished from the above referred case because in the said case the age of the child was 10 years and the said child was assisting his parents in agriculture occupation.

Taking into consideration the facts of this case in its entirety, this Court is of the considered view that a sum of ₹2,50,000/- shall be 'just compensation' in this case and accordingly, the compensation amount in this case is enhanced to ₹2,50,000/-. The other conditions regarding interest and disbursal of awarded amount shall remain unchanged.

The appeal is accordingly partly accepted.

(SHEKHER DHAWAN)
JUDGE

March 13, 2015
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