

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

FAO No.3355 of 2013 (O&M)

Date of Decision: 24.07.2015

Satpal Rohilla

.....Appellant

Versus

Khem Chand and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

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

Present:- Mr. S.P.Chahar, Advocate,
for appellant.

Mr. Ravinder Malik, Advocate,
for respondents No.1 and 2.

Ms. Anamika Mehta, Advocate,
for respondent No. 3.

SHEKHER DHAWAN, J (ORAL)

Present appeal is challenge to the award dated 15.03.2013 passed by Motor Accident Claims Tribunal, Rohtak (hereinafter referred as 'The Tribunal') whereby 'The Tribunal' awarded compensation of ₹50,000/- on account of death of Sachin who died at the age 21 years in motor vehicle accident on 19.04.2012.

2. Claimant-appellant in this case is father of the deceased. 'The Tribunal' returned the finding that claimant has not been proved to be dependent upon the income of the deceased.

3. Learned counsel for appellant took the plea that 'The Tribunal' has not awarded 'Just Compensation' though deceased was just of the age of 21 years and loss of such a child to the parents cannot be ascertained in terms of money. At least some reasonable amount should have been awarded as compensation in the case which has not been done by 'The Tribunal' so the amount of compensation be enhanced suitably. In support of his arguments, learned counsel for appellant placed reliance upon judgment from Co-ordinate Bench of this Court in case **Pardeep Vs. Dharambir and others 2015(1) PLR 392** where this Court enhanced the amount of compensation from ₹50,000/- to ₹1,50,000/- in similar matter while placing reliance upon judgment from Hon'ble Apex Court in case **Smt. Manjuri Bera Vs. The Oriental Insurance Company Ltd. and Anr.,2007 (2) RCR (Civil) 675.**

4. Learned counsel for respondent took the plea that 'The Tribunal' has rightly decided the controversy because there was absolutely no evidence available on file that claimant was dependent upon the earnings of deceased. There was no evidence that Sachin was earning anything. There are no grounds for enhancement of compensation already awarded in this case, so the appeal be dismissed.

5. Having considered the rival submissions made by learned counsel for the parties, this Court is of the view that 'The Tribunal' has awarded compensation of ₹50,000/- which is a minimum amount as provided under law in such like cases. Hon'ble Supreme Court had observed in case **Smt. Manjuri Bera Vs. The Oriental Insurance Company Ltd. and Anr.** (supra) that a sum of ₹50,000/- at least is to be awarded in such like cases if claimant is not even proved to be dependent upon the earnings of the deceased. However, the Co-ordinate Bench of this Court had rightly taken

the view that compensation of ₹50,000/- is the bare minimum amount and this Court while deciding appeal certainly required to take into consideration the aspect that claimant had certainly suffered a lot on account of loss of love and affection of a child who was at the prime of his age i.e. 21 years. In this case apart from that claimant, entitled to receive a reasonable amount on account of funeral expenses and transportation charges as well. There is no legal bar for awarding such amount in excess of ₹50,000/-.

6. Accordingly, the amount of compensation in this case is re-assessed that appellant-claimant shall be entitled to a total sum of ₹1,20,000/- (₹50,000/- on account of minimum compensation under the Act, ₹50,000/- on account of loss of love and affection, ₹10,000/- on account of funeral expenses and ₹10,000/- on account of transportation charges).

7. The enhanced amount of ₹70,000/- shall be payable from the date of claim petition. Appellant shall be entitled to interest @ 7.5% per annum on the enhanced amount from the date of filing of the claim petition till its realization.

8. Appeal partly accepted.

(SHEKHER DHAWAN)
JUDGE

July 24, 2015
msd