

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

FAO No.3397 of 2013(O&M)
Date of Decision: 31.03.2015

Jasbir Singh and another

..... APPELLANTS

VERSUS

Ishwar Singh and others

..... RESPONDENTS

PRESENT: - Mr. Rajbir Singh, Advocate
for the appellants.

Mr.R.K. Bashamboo, Advocate
for the 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 20.10.2012 passed by the Motor Accident Claims
Tribunal, Sangrur (hereinafter referred to as 'The Tribunal')

whereby the Tribunal had awarded a sum of ₹3,75,000/- as compensation on account of deprivation of love and affection of their six years old daughter Jaspreet Kaur @ Jassu.

Brief facts of the case that on 28.05.2010 Jaspreet Kaur @ Jassu (since deceased) was going along with her grand parents on a tractor bearing registration No.PB-39-1396. The said tractor was being driven by Lal Singh at a normal speed. At about 10.00 A.M. when they reached in the area of village Mauran, a truck bearing registration No.PB-10CH-9855 came from Dirba side and hit against the tractor while coming to the wrong side. Resultantly, all the occupants of the tractor sustained multiple grievous injuries. Jaspreet Kaur @ Jassu died on the spot. She was taken to the hospital and remaining injured were also shifted to Rajindra Hospital and then to PGI, Chandigarh. The matter was reported to the police.

The respondents contested the claim petition thereby denying the averments of the claim petition. The Tribunal awarded compensation of ₹3,75,000/- to the appellants, who are parents of the deceased.

Being dis-satisfied with the amount of compensation awarded in this case, the appellants are before this Court.

Mr.Rajbir Singh, learned counsel for the appellants took the plea that 'The Tribunal' has not awarded 'just compensation' in this case because only a meager amount of ₹2,25,000/- was awarded as pecuniary damages after taking the notional income of the deceased to be ₹15,000/- per annum and ₹75,000/- as non-pecuniary damages and ₹75,000/- towards future prospects. The amount of compensation awarded by 'The Tribunal' under these heads is on the lower side. More so, nothing has been awarded towards loss of love and affection and funeral expenses as well. So, the amount of compensation be enhanced suitably.

While arguing on this point, Mr.R.K. Bashamboo, learned counsel for the respondents took the plea that 'The Tribunal' has already awarded 'just compensation' in this case and the appeal be dismissed.

Having considered the rival contentions raised by learned counsel for both the parties, this Court is of the considered view that in this case a minor child of six years had died. The loss caused to the appellants, who were parents of the deceased cannot be quantified in terms of money and any compensation in terms of money would be just inadequate. However, in such like cases, some what guess work has to be done to award the amount of

compensation. The total amount of compensation awarded in this case is ₹3,75,000/- and that is 'just compensation' which 'The Tribunal' has already awarded. No further enhancement would be justified.

Hence the present appeal is without any merit and same stands dismissed.

(SHEKHER DHAWAN)
JUDGE

March 31, 2015
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