

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No. 950 of 2013

Date of Decision:- 19.05.2015

Mehmoodi

.....Appellant

Versus

Mubarik and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

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. Ashish Gupta, Advocate for the appellant.

Mr. Lalit Garg, Advocate
for respondent No.3-Insurance Company.

SHEKHER DHAWAN, J. (Oral)

Appellant-claimant sought enhancement of compensation awarded by Motor Accidents Claims Tribunal, Nuh (hereinafter to be referred as 'The Tribunal'), vide award dated 08.01.2013, whereby 'The Tribunal' awarded a sum of ₹3,80,000/- on account of death of child.

2. Learned counsel for the appellant prayed that 'The Tribunal' has not taken into consideration the fact that after short span of time the child would have started earning and his income was to grow gradually. He was the only child of claimant. So, the amount of compensation be enhanced suitably.

3. Mr. Lalit Garg, Advocate, learned counsel for the respondent No.3-Insurance Company took the plea that 'The Tribunal' has already awarded just compensation keeping in view the fact that in fact there is no earning of the child. So, the appeal be dismissed.

4. Having considered the rival contentions raised by learned counsel for both the parties, this Court is of the considered view that death of child of 14 years had taken place in this case and that too of only child. Such loss to the family and appellant cannot be quantified in terms of money. However, in such like cases somewhat guess work has to be done, so as to, determine the amount of compensation. Though, 'The Tribunal' has already awarded reasonable amount of compensation but still keeping in view the fact that age of child was 14 years and after short span of time his earnings were to grow gradually. The amount of compensation enhanced by ₹50,000/- in this case from the date of claim petition. The enhanced amount of compensation shall be payable within 45 days from today, failing which, the appellant shall be entitled to receive interest @ 7.5% per annum from today.

5. Resultantly, the present appeal accepted partly.

May 19, 2015
naresh.k

(SHEKHER DHAWAN)
JUDGE