

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

FAO No.9427 of 2014 (O&M)  
Date of decision 07.04.2015.

Shailender Singh and another

..... Appellants.

versus

Harender Singh etc.

..... Respondents.

CORAM :- HON'BLE MR.JUSTICE K.C.PURI.

1. Whether Reporters of Local Newspapers may be allowed to see the judgment? yes
2. To be referred to the Reporters or not? yes
3. Whether the judgment should be reported in the Digest? yes

Present : Shri J.S. Hooda, Advocate for the appellants.

**K.C.PURI, J.**

**C.M. No.26146 CII of 2014.**

Along with the appeal an application under Section 5 of the Limitation Act for condonation of delay of twenty seven days in filing the appeal has been filed.

2. For the reasons mentioned therein, the delay in filing the appeal stands condoned.
3. C.M. stands disposed of accordingly.

**MAIN APPEAL.**

4. Shailender Singh father and Monisha mother of deceased have filed claim petition claiming Rs.10,00,000/- as compensation on account of death of baby Nisha in a motor vehicular accident. The learned Tribunal

after adjudication allowed the claim petition and granted a sum of Rs.3,56,000/- along with interest @ 7½% per annum from the date of filing the petition till realization.

5. The present appeal has been directed by the parents for enhancement of compensation amount.

6. Deceased Baby Nisha was 1½ years old at the time of her death. It can be safely pointed out that no amount of compensation can console the death of 1½ years old girl but it is settled principles of law that amount of compensation should be awarded in such a manner that claimant should get fair amount of compensation and it should neither be windfall nor should be on lower side.

7. Learned counsel for the appellants has relied decision of this Court in **FAO No.3115 of 2013 decided on 28.01.2014 titled as Vinod and another vs. Nanak and others** and on the strength of the same has argued that this Court relying upon authority **Kishan Gopal and another vs. Lala and others reported 2013 (4) RCR (Civil) page 276** granted a sum of Rs.5,00,000/- in respect of death of three years old daughter. So, prayer has been made for enhancement of compensation.

8. I have considered the said submission but do not find any force in the said submission.

9. So far as authority **Kishan Gopal and another's case (supra)** relied upon by this Court in **Vinod and another's case (supra)** is concerned, in that case deceased was a young boy of ten years and on that account Rs.5,00,000/- were granted.

10. In authority **Vinod and another's case (supra)** deceased was three years minor girl but in the present case, the deceased was only 1½ years old and as such a sum of Rs.3,56,000/- cannot said to be on lower side. The Tribunal has already allowed Rs.50,000/- towards loss of love and affection and funeral expenses etc. The multiplier of 17 has been applied although the age of the parents should have been taken into account while applying the multiplier. So, in these circumstances, no case for enhancement is made out.

11. Consequently, the appeal preferred by the Insurance Company is without any merit and the same stands dismissed.

12. A copy of this judgment be sent to the trial Court for strict compliance.

**( K.C.PURI )  
JUDGE**

**April 07 , 2015**

**sv**