

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

FAO-1142-2002 (O&M)
Date of decision: 20.05.2016

Bholi and another

...Appellants

Versus

Bakhshish Singh @ Shisha and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Ms. Rajwinder Kaur, Advocate for
Mr. Tribhawan Singla, Advocate for the appellants.

Mr. Ram Bilas Gupta, Advocate for respondent No.1.

Mr. D. P. Gupta, Advocate for respondent No.3.

-.-

JITENDRA CHAUHAN, J.

CM No.4743-CII-2002

After hearing the learned counsel for the parties and for the reasons contained in the application, duly supported by an affidavit of the appellant, Labh Singh, same is allowed and delay of 22 days in filing the present appeal is condoned.

Main Case

The present appeal has been filed by the claimant-appellant, seeking enhancement of the compensation amount awarded by the learned Motor Accidents Claims Tribunal, Barnala (for short 'the Tribunal'), vide award dated 05.10.2001.

It is not in dispute that deceased, Harbhajan Singh, son of

the appellants, was 7 years of age at the time of accident.

Heard.

In **Kishan Gopal and another vs. Lala and others 2013**

(4) RCR (Civil) 276 the deceased was a young boy of 10 years.

Hon'ble the Supreme Court, awarded a sum of Rs.4,50,000/-, on account of dependency and another amount of Rs.50,000/- has been awarded under the conventional heads.

This Court feels that the present case is squarely covered by the law laid down in Krishan Gopal's case (supra). In the instant case, the claimant-appellants lost their minor child, accordingly, the compensation amount of Rs.1,00,000/-, awarded by the learned Tribunal is enhanced to Rs.5,00,000/-.

Resultantly, the claimant-appellants are held entitled to the enhanced compensation amount of Rs.4,00,000/-, on account of death of Harbhajan Singh.

The enhanced amount of compensation i.e. Rs.4,00,000/-, as indicated above, shall be paid to the appellants, within 45 days from the date of the receipt of the certified copy of the judgment, failing which, they shall also be entitled to get interest @ 7.5% per annum from the date of the filing of the appeal till its realization.

In view of the above, the present appeal is partly allowed and the impugned award is modified to the above extent.

20.05.2016

ashok

**(JITENDRA CHAUHAN)
JUDGE**