

In the High Court of Punjab and Haryana at Chandigarh

FAO No.3586 of 2006

Date of decision: March 03, 2016

Rajinder Kaur and another

..... Appellants

Versus

Sukhmander Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Rajiv Joshi, Advocate for the appellants.

Mr. P.P.S. Brar, Advocate for respondent No.1.

Mr. J.S. Chatrath, Advocate for Mr. Ashwani Talwar, Advocate for respondent No.3.

1. *Whether Reporters of Local Newspapers 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?*

AJAY TEWARI, J. (Oral)

This appeal has been filed by the claimants for the enhancement of compensation on account of death of their son Rachpal Singh @ Sukhpal Singh, aged 17 years, in a motor vehicle accident on 04.06.2004.

Brief facts are that on 04.06.2002 deceased Rachhpal Singh @ Sukhpal Singh along with Major Singh was going from Jaitu towards Dal Singh Wala on a Scooter bearing registration No.PB-04E-6506. When

they reached near Jaitu, a bus bearing registration No.PB-13H-0892 belonging to Nishat Bus Service Regd. Baghapurana came from the side of Dal Singh Wala which was being driven by respondent No.1 Sukhmander Singh @ Mander Singh rashly, negligently and in a zig zag manner. Respondent No.1 struck the bus against the Scooter of the deceased and Major Singh, as a result thereof, they both fell down on the road and the scooter was entangled with the bumper of the bus. The bus dragged the scooter upto a distance of 10-15 karams. Surinder Singh son of Tota Singh and Manprit Singh son of Darshan Singh of village Dal Singh Wala, who were coming from Jaitu's side also witnessed the occurrence. Respondent No.1 had told his name to them at the spot. Rachhpal Singh @ Sukhpal Singh and Major Singh both died at the spot due to the injuries received by them in the accident.

The Tribunal while taking the income of ₹1800/- p.m. assessed the dependency at ₹14,400/- p.a. by applying the deduction of 1/3rd and further applied multiplier of 15 and awarded compensation of ₹2,16,000/-. The Tribunal further awarded ₹4000/- towards funeral expenses and awarded total compensation of ₹2,20,000/- along with interest @ 6% p.a.

Learned counsel for the appellants has argued that the deceased was 17 years old and in the case of **Kishan Gopal and another Vs. Lala and another**, decided on 26.08.2013 passed in Civil Appeal No.7137 of 2013, the Supreme Court had awarded flat amount of ₹05 lacs in such circumstances.

Learned counsel for respondent No.3-Insurance Company is

not in a position to deny this fact.

In the circumstances, the appeal is allowed and the compensation is increased to ₹05 lacs.

The enhanced amount would carry interest @ 8% p.a. from the date of filing of the claim petition till the date of realization and would be handed over to appellant No.1-mother. The recovery rights granted to the Insurance Company are kept intact.

(AJAY TEWARI)
JUDGE

March 03, 2016
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