

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

-.-

FAO 1454 of 2008 (O&M)
Date of decision: 13.12.2016

Joginder Singh and others

.....Appellants

Versus

Onkar Singh and another

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Sahil Arora, Advocate for
Mr. S S Rangi, Advocate
for the appellants

Mr. Sandeep Arora, Advocate
for respondent No. 2

-.-

Rekha Mittal, J. (oral)

The claimants are in appeal seeking enhancement of compensation in regard to death of Asha Rani, aged about 14 years in a motor vehicular accident that took place on 12.11.2003.

The learned Tribunal awarded Rs.1,80,000.00 by relying upon judgment of Hon'ble the Supreme Court of India *New India Assurance Company Limited v. Satender and another 2007 (1) Apex Court Judgments 110 (SC)*.

Counsel for the appellants has submitted that as the deceased was 14 years old and a student of 8th class, the claimants are entitled to compensation to the extent of Rs.5,00,000.00, allowed by Hon'ble the Supreme Court in the case of death of a child aged 10 years in an accident

that took place on 19.07.1992. For this purpose, he has referred to judgment of Hon'ble the Supreme Court of India ***Kishan Gopal and another v. Lala and others, 2013 (4) R.C.R. (civil) 276.***

Counsel for respondent No. 2 has supported the award.

Taking a clue from the judgment passed in *Kishan Gopal's* case (supra) coupled with the factum that deceased was 14 years old and a student of 8th class who died in an accident that took place in the year 2003, the appellants are held entitled to compensation to the tune of Rs.5,00,000.00. The additional amount of Rs.3,20,000.00 shall be payable with interest at the rate of 7.5% per annum from the date of petition till realization.

The appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

13.12.2016
mohan bimbira

Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No