

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

FAO No.3402 of 2010 (O&M)

Date of decision : 30.08.2016

Rajesh

.....Appellant

Versus

Sunil Kumar and another

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Arun Yadav, Advocate for appellant.

Mr. Sanjeev Goyal, Advocate for respondent No.2.

DARSHAN SINGH, J.

CM-15502-CII-2010

There is delay of 21 days in filing the present appeal. The appellants have filed an application under Section 5 of the Limitation Act for condonation of delay.

Heard on the application.

In view of the reasons mentioned in the application, same is allowed and the delay of 21 days in filing the appeal is hereby condoned.

FAO-3402-2010

The present appeal has been preferred against the award dated 4.09.2004 passed by the learned Motor Accidents Claims Tribunal, Rewari (hereinafter called the "Tribunal"), vide which the appellant-claimant has been awarded compensation to the tune of Rs.2,45,000/- on account of

death of her son Virender Singh alias Birender Singh in the motor vehicular accident which took place on 19.05.2008.

2. The present appeal has been preferred by the appellant-claimant for enhancement of the amount of compensation.

3. I have heard learned counsel for the parties and gone through the record meticulously.

4. Initiating the arguments, learned counsel for the appellant contended that deceased Virender Singh alias Birender Singh was 18 years of age. He was a student and also used to help her parents in agricultural work. He contended that the learned Tribunal has awarded only Rs.2,45,000/- as compensation to the claimant. The Hon'ble Apex Court in case ***Krishan Gopal and another Vs. Lala and others 2013(4) RCR (Civil) 276*** has awarded Rs.5,00,000/- as compensation in case of death of a child.

5. On the other hand, Mr. Sanjeev Goyal, learned counsel for respondent-Insurance Company contended that the learned Tribunal has rightly assessed the compensation payable to the claimant which does not call for any enhancement.

6. I have duly considered the aforesaid contentions.

7. This fact is not disputed that the deceased was 18 years of age and was a student.

8. It is alleged that he used to help his parents in their agricultural work. The Hon'ble Apex Court in case ***Krishan Gopal and another Vs. Lala and others*** (supra) has awarded the compensation to the tune of Rs.5,00,000/- in case of death of a 10 years old child. The case in

hand is certainly on the better footing. So, the appellant-claimant shall also be entitled to a sum of Rs.5,00,000/- as compensation on account of death of her son in the present accident.

9. Thus, keeping in view my aforesaid discussion, the present appeal is hereby partly allowed. The amount of compensation payable to appellant-claimant is enhanced to ₹5,00,000/- from ₹2,45,000/- as awarded by the Tribunal. The appellant-claimant shall also be entitled to interest on the enhanced amount from the date of filing the petition till realisation at the rate as determined by the learned Tribunal. The liability to pay the enhanced amount of compensation shall remain as determined by the learned Tribunal in the main award.

30.08.2016

sunil yadav

**(DARSHAN SINGH)
JUDGE**

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