

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

FAO No. 2034 of 2014 (O&M)
Date of Decision: March 10, 2016

Smt. Sarjina

...Appellant

Versus

Ajruddin and others

...Respondents

ORAM:- HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Virendra Rana, Advocate,
for the appellant.

Ms. Kaavya Jariyal, Advocate, for
Mr. TK Joshi, Advocate,
for the insurance company.

K. KANNAN, J. (Oral)

1. The appeal is for enhancement of claim of compensation for death of a child aged 8 years. The Tribunal has assessed compensation of ₹3 lakhs. The contention is that the Tribunal has provided only for a notional income of ₹15,000/- which must be more. The Tribunal has also not provided for loss of love and affection adequately. The Tribunal has taken the loss of possible contribution to the family at ₹2,25,000/-, added ₹25,000/- for the funeral expenses and added again ₹50,000/- as future loss. Though there is no head like special damages, but if it is treated as special damages as set forth in R.K. Malik and another Versus Kiranpal and others (2009) 14 SCC1, I do not think any head has been left except a provision for love and affection, which I will estimate additional amount of Rs. 1 lakh and allow for the said sum to be claimed by the appellant. The liability shall be on the insurance. The amount shall also attract interest @ 9% from the

date of the petition till the date of payment.

2. The award is modified and the appeal is allowed to the above extent.

March 10, 2016
prem

(K.KANNAN)
JUDGE