

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

FAO No.272 of 2014 (O&M)

Date of decision : 31.08.2016

Sukhwant Kaur and another

.....Appellant

Versus

Iqbal Singh and others

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. B.S. Bath, Advocate for appellants.

None for respondents No.1 & 2.

Mr. B.S. Taunque, Advocate for
respondent No.3-Insurance Company.

DARSHAN SINGH, J.

The present appeal has been preferred against the award dated 19.08.2013 passed by the learned Motor Accidents Claims Tribunal, Gurdaspur (hereinafter called the “Tribunal”), whereby the appellant-claimant No.1 has been awarded compensation to the tune of Rs.1,00,000/- on account of death of her son Jashan Preet Singh in the motor vehicular accident which took place on 27.03.2011.

2. This appeal has been preferred by the appellants-claimants for enhancement of the amount of compensation.

3. I have heard learned counsel for the parties and have gone through the paper-book.

4. Initiating the arguments, learned counsel for the appellants

contended that the deceased was 12 years of age at the time of the accident. The learned Tribunal has awarded very meager amount of compensation *i.e.* Rs.1,00,000/- only. He contended that Hon'ble Supreme 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 10 years old child.

5. On the other hand, learned counsel for respondent-Insurance Company contended that just amount of compensation has been awarded by the learned Tribunal keeping in view the fact that the deceased was only a student of sixth class and was having no income.

6. I have duly considered the aforesaid contentions.

7. I do not find any substance in the contentions raised by learned counsel for the respondent-Insurance Company. This fact is not disputed that deceased Jashanpreet was 12 years of age and student of sixth class at the time of the accident.

8. The Hon'ble Apex Court in case ***Krishan Gopal and another Vs. Lala and others*** (supra) has awarded Rs.5,00,000/- as compensation to the parents of 10 years child who has died in the motor vehicular accident. The ratio of law laid down by the Hon'ble Apex Court in the above case is fully applicable in the case in hand. The appellant-claimant No.1 in this case shall also be entitled to a sum of Rs.5,00,000/- as compensation.

9. Thus, keeping in view my aforesaid discussion, the present appeal is hereby partly allowed. The amount of compensation payable to

appellant-claimant No.1 is enhanced to Rs.5,00,000/- from Rs.1,00,000/- as awarded by the Tribunal. The appellant-claimant No.1 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.

31.08.2016

sunil yadav

**(DARSHAN SINGH)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No