

FAO No.2438 of 2015(O&M)

In the High Court of Punjab and Haryana at Chandigarh

FAO No.2438 of 2015(O&M)
Date of Decision:6.9.2016

Beermati and others

---Appellants

vs.

Kailash Chand and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Shakti Singh, Advocate for
Mr.Aditya Yadav, Advocate
for the appellants
Mr. B.K.Bagri, Advocate
for respondent No. 1
Mr. Harjit Yadav, Advocate
for respondent No. 2

Rekha Mittal, J.

The claimants are in appeal seeking enhancement of
compensation in regard to death of Ram Niwas in a motor vehicular

accident that took place on 21.6.2011 due to rashness and negligence of trailer No. RJ-32/GA/0881 by Kailash Chand Yadav.

Counsel for the appellants has submitted that the Motor Accident Claims Tribunal, Rewari (in short “the Tribunal”) has not awarded compensation for loss of estate and compensation awarded to children for loss of love and affection, care and guidance of their father needs enhancement.

Counsel for the respondents have supported the award passed by the Tribunal.

I have heard counsel for the parties, perused the paper book particularly the award passed by the Tribunal.

The appellants are awarded an amount of Rs. 25,000/- for loss of estate. The minor children of the deceased namely Poonam, Pooja and Sachin are awarded an amount of Rs. 2,25,000/- in equal share for loss of love and affection, care and guidance of their father. In this manner, the enhanced compensation comes to Rs. 2,20,000/- (Rs. 2,50,000 minus 30,000/-)payable with interest at the rate of 7.5% per annum from the date of petition till realization. The amount shall be paid exclusively to the

minors in the following ratio:-

Poonam	20%
Pooja and Sachin	40% each

and shall be kept in FDR(s) payable on attaining the age of majority. The interest on the FDR(s) would be payable to mother for meeting expenses on their education and living.

Appeal stands disposed of accordingly.

(Rekha Mittal)
Judge

6.9.2016
paramjit

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