

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

**FAO No.5318 of 2014
Decided on: 11.08.2016**

Poonam and others

....Appellants

Versus

Dinesh Kumar and others

....Respondents

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. Lajpat Sharma, Advocate
for Mr. Vivek Khatri, Advocate
for the appellants.

Mr. Dhruv Gupta, Advocate
for Mr. Shashank Sharma, Advocate
for respondents No.1 and 2.

Mr. Subhash Goyal, Advocate
and Mr. Nitin Mittal, Advocate
for respondent No.3.

REKHA MITTAL, J.

The claimants are in appeal seeking enhancement of compensation awarded by the Motor Accident Claims Tribunal, Hisar (for short 'the Tribunal') in regard to death of Sanjay in a motor vehicular accident that occurred on 04.12.2012.

Counsel for the appellants has sought enhancement only under conventional heads. It is argued that the learned Tribunal has not awarded any compensation for loss of love and affection to the minor son aged 08 years' and mother of the deceased in the light of judgments "*Rajesh and others Vs. Rajbir Singh and others*", 2013(3) R.C.R. (Civil) 170 and "*Vimal Kanwar and others vs. Kishore Dan and others*" 2013(2) R.C.R. (Civil) 945.

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

I have heard counsel for the parties, perused the paperbook and the records.

It is an undisputed position of the case that the learned Tribunal has not awarded any compensation to the minor child and mother of the deceased for loss of love and affection. After taking clue from the judgments relied upon by counsel for the appellants, the minor child of the deceased is awarded an amount of **Rs.1,00,000/-** and mother is allowed **Rs.50,000/-** towards loss of love and affection. In this manner, the compensation awarded by the learned Tribunal is enhanced to the extent of **Rs.1,50,000/-** and shall carry interest @ 7.5% per annum from the date of petition till realization.

The compensation awarded to minor child shall be deposited in the shape of FDR in a nationalized bank for a period of three years or till he (the child) attains the age of majority whichever is later.

Disposed of accordingly.

11.08.2016
yakub

(REKHA MITTAL)
JUDGE

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