

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

**F.A.O No. 5450 of 2014 (O&M)
Date of decision :10.05.2016**

Bhateri Devi and others

.....Appellants

Versus

Renu and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr.Sandeep Kotla, Advocate
for the appellants.

Mr. Satyam Singh Nain, Advocate
for Mr. R.N.Lohan, Advocate
for respondent no.1.

Mr. Ravinder Arora, Advocate
for respondent no.2.

DARSHAN SINGH,J

CM No. 15175-CII of 2014

This application has been filed under Section 5 of the Limitation Act read with Section 151 of the Code of Civil Procedure, 1908 for condonation of delay of 58 days in filing the present appeal.

Heard on the application.

For the reasons mentioned in the application, the application stands allowed and the delay of 58 days in filing the present appeal is hereby condoned.

FAO No. 5450 of 2014

The present appeal has been preferred by the appellant-claimants against the award dated 14.10.2013 passed by the learned Motor Accident Claims Tribunal, Hisar (for short 'Tribunal'), vide which the appellant-claimants have been awarded compensation to the tune of Rs. 4, 80,000/- along with interest on account of the death of their son Ravi Kumar in the motor vehicular accident which took place on 25.03.2011 on the basis of the claim petition filed by the claimants under Section 163-A of the Motor Vehicles Act, 1988 (for short 'Act').

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

3. Learned counsel for the appellant contended that the deceased was doing the diploma of Fitter from Industrial Training institute, Hansi. Learned Tribunal has awarded the compensation to the tune of Rs. 4,80,000/-. The Hon'ble Apex Court in case **Kishan Gopal and another Vs. Lala and others 2013 (4) R.C.R (Civil) 276** has awarded the compensation to the tune of Rs. 5 lacs in case of death of child aged 10 years. Whereas, Ravi Kumar deceased was 19 years of age and was doing diploma in Fitter.

4. On the other hand, learned counsel for the respondents contended that the just compensation has been

awarded by the learned Tribunal by taking into consideration all the heads.

5. I have duly considered the aforesaid contentions.

6. Learned counsel for the appellants has relied upon **Kishan Gopal's case (Supra)**. In that case also, the claim petition filed by the appellants under Section 163-A of Act for grant of the compensation on account of death of their child aged about 10 years. The Hon'ble Apex Court has awarded the compensation to the tune of Rs. 5 lacs in said case. The case in hand is even on better footings, as the deceased in this case was 19 years of age and was doing diploma in Fitter, a technical course. Learned counsel for the respondents have not been able to show as to how **Kishan Gopal's case (Supra)** has no application to the case in hand and why the appellants should not be awarded the compensation as awarded by the Hon'ble Apex Court in **Kishan Gopal's case (Supra)**.

7. Thus, the appellant-claimants shall be entitled to a sum of Rs. 5 lacs as compensation on account of the death of their son instead of Rs.4,80,000/- determined by the learned Tribunal.

8. Thus, keeping in view my aforesaid discussion, the present appeal is hereby partly allowed and the amount of compensation payable to the appellant-claimants is hereby enhanced to Rs. 5 lacs from Rs. 4,80,000/- as awarded by the learned Tribunal. The claimants are also entitled to interest at

the rate as determined by the learned Tribunal on the enhanced amount from the date of petition till realization. The liability to pay the enhanced amount shall remain as per the award passed by the learned Tribunal.

10.05.2016

S.khan

(DARSHAN SINGH)
JUDGE