

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

FAO No.5075 of 2015 (O&M)

Date of decision : 09.12.2016

Tarlochan Singh and others

.....Appellants

Versus

Puneet and others

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Ms. Ekta Thakur, Advocate for appellants.

Mr. Sanjiv Kodan, Advocate for respondent No.3-
Insurance Company.

DARSHAN SINGH, J.

The present appeal has been preferred by the appellants-claimants against the award dated 08.05.2015 passed by the learned Motor Accidents Claims Tribunal, Ambala (hereinafter called the “Tribunal”) in a claim petition filed under Section 166 of the Motor Vehicles Act, 1988 (for short the “Act”) vide which appellants-claimants have been awarded a sum of ₹3,00,000/- as compensation on account of death of their minor son Harjot Singh in the motor vehicular accident which took place on 20.11.2013.

2. The present 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 meticulously.

4. Initiating the arguments, learned counsel for the appellants-claimants contended that the appellants have lost their son master Harjot Singh aged about 15 years in the present accident but the learned Tribunal has only awarded a sum of ₹3,00,000/- as compensation which is highly inadequate. Learned Tribunal has not awarded an appropriate compensation under the conventional heads. To support her contentions, she placed reliance upon case ***Kishan Gopal and another Vs. Lala and others 2013(4) RCR (Civil) 276***

5. On the other hand, learned counsel for the respondent-Insurance Company could not dispute the ratio of law as laid down by Hon'ble Apex Court in ***Kishan Gopal and another Vs. Lala and others*** (supra).

6. I have duly considered the aforesaid contentions.

7. This fact is not disputed that deceased Harjot Singh was 15 years of age at the time of his accidental death. This fact cannot be lost sight that no amount of compensation can compensate for the loss of life, nor it can bring back the happiness in the lives of the dependant family members. However, it becomes the duty of the Court to award the just and appropriate compensation to them.

8. The Hon'ble Apex Court in case ***Kishan Gopal and another Vs. Lala and others 2013(4) RCR (Civil) 276*** has awarded a sum of Rs.5,00,000/- as compensation in case of death of a child of 10 years. The

case of the present appellants is even on better footings as the age of deceased Harjot Singh is 15 years. Thus, the aforesaid judgment of the Hon'ble Apex Court is fully applicable to the case in hand. So, the amount of compensation awarded by the learned Tribunal is enhanced to ₹5,00,000/-.

9. Thus, keeping in view my aforesaid discussion, the present appeal is hereby partly allowed and the amount of compensation payable to the appellants-claimants is hereby enhanced to ₹5,00,000/- from ₹3,00,000/- as awarded by the Tribunal. The appellants-claimants shall also be entitled to interest on the enhanced amount of maintenance at the rate as awarded by learned Tribunal from the date of filing the petition till realisation. The liability to pay the enhanced amount of compensation and the apportionment amongst the claimants shall also remain same as determined by the learned Tribunal in the main award.

09.12.2016

sunil yadav

**(DARSHAN SINGH)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No