

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

FAO No.7989 of 2014

Date of decision : 01.12.2016

Smt. Babli Devi and another

.....Appellants

Versus

Daljeet Singh and others

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Ms. Bhawna Grewal, Advocate for
Mr. S. K. Yadav, Advocate for appellants.

Mr. Amrinder Singh Sidhu, Advocate for
respondent no.5-Insurance Company.

DARSHAN SINGH, J.

The present appeal has been preferred against the award dated 20.02.2014 passed by the learned Motor Accidents Claims Tribunal, Narnaul (hereinafter called the “Tribunal”), vide which appellants-claimants have been awarded a sum of ₹2,50,000/- as compensation on account of death of Sahil in the motor vehicular accident which took place on 01.09.2011.

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 only son master Sahil aged about five years in the present accident but the learned Tribunal has only awarded a sum of ₹2,50,000/- as compensation which is highly inadequate. Learned Tribunal has not awarded an appropriate compensation under the conventional heads. To support his contentions, he placed reliance upon case ***Kishan Gopal and another Vs. Lala and others 2013(4) RCR (Civil) 276***

5. On the other hand, Mr. Amrinder Singh Sidhu, Advocate, learned counsel for the respondent-Insurance Company could not dispute the ratio of law as laid down 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 Sahil was 05 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 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 ₹2,50,000/- 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.

01.12.2016

sunil yadav

**(DARSHAN SINGH)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No