

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

FAO No.8408 of 2014

Date of decision : 08.09.2016

Pala Ram and another

.....Appellants

Versus

Jaswinder Singh and others

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. J.S. Saini, Advocate for appellants.

Mr. Himanshu Chauhan, Advocate for
Mr. Namit Khurana, Advocate for respondents No.1 & 2.

Ms. Vandana Malhotra, Advocate for respondent No.3.

DARSHAN SINGH, J.

The present appeal has been preferred by the appellants-claimants against the award dated 09.05.2014 passed by the learned Motor Accidents Claims Tribunal, Kurukshetra (hereinafter called the "Tribunal") vide which the appellants-claimants have been awarded compensation to the tune of Rs.5,00,000/- on account of death of their son Jaimal in the motor vehicular accident, which took place on 07.05.2013.

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 carefully.

4. Learned counsel for the appellants contended that Jaimal, the son of the the appellants, aged about 11 years has died in this accident. He was student of sixth class. The learned Tribunal has awarded Rs.5,00,000/- as compensation, which is not just compensation. Thus, the appellants-claimants are entitled for enhancement of the amount of compensation.

5. On the other hand, learned counsel for the respondent-Insurance Company contended that the learned Tribunal has awarded the just compensation by relying upon the law laid down by Hon'ble Apex Court in case ***Krishan Gopal and another Vs. Lala and others 2013(4) RCR (Civil) 276***. Thus, he pleaded that the impugned award does not call for any interference.

6. I have duly considered the aforesaid contentions.

7. It is not disputed that Jaimal, the son of the claimant, was 11 years of age and was a student of sixth class. So, he was not earning hand. The learned Tribunal has relied upon case ***Krishan Gopal and another Vs. Lala and others*** (supra). In that case the Hon'ble Apex Court has awarded the compensation of Rs.5,00,000/- on account of death of a child of ten years. Thus, the learned Tribunal has awarded the just compensation relying upon the ratio of law laid down by Hon'ble Apex Court in case ***Krishan Gopal and another Vs. Lala and others*** (supra). So, no interference is called for in the impugned award.

8. Thus, keeping in view my aforesaid discussion, the present

appeal has no merits and the same is hereby dismissed.

08.09.2016

sunil yadav

(DARSHAN SINGH)
JUDGE

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