

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

Cross Objections No.6-CII of 2016 in

FAO No.5561 of 2015

Date of decision : 24.08.2016

Rajasthan State Road Transport Corporation and another

.....Appellants

Versus

Kamla Joshi and others

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Suneet Kumar, Advocate for respondents No.1 to 3-
Cross Objectors.

None for appellants.

None for respondent No.5.

DARSHAN SINGH, J.

The Rajasthan State Road Transport Corporation, the owner of the bus bearing registration No.RJ-05-PA-2395 has filed the appeal bearing FAO No.5561 of 2015. The said appeal was dismissed for want of prosecution by this Court vide order dated 04.05.2016. During the pendency of the said appeal, the claimants have filed the Cross Objections for enhancement of the amount of compensation.

2. Respondents No.1 to 3-Cross Objector have been awarded compensation to the tune of ₹ 32,92,000/- on account of death of Vinod Kumar in the present motor vehicular accident, which took place on 26.03.2014.

3. I have heard learned counsel for the cross-objectors and gone through the paper-book carefully.

4. Learned counsel for the cross-objectors contended that the learned Tribunal has awarded less amount towards loss of estate. He further contended that only ₹1,00,000/- has been awarded to two children of the deceased towards loss of love and affection. The interest awarded by the learned Tribunal is also on the lower side.

5. I have duly considered the aforesaid contentions.

6. I do not find any merit in the contentions raised by learned counsel for the cross-objectors. The cross-objectors/claimants have been awarded a sum of Rs.32,92,000/- as compensation on account of death of Vinod Kumar in this accident. The learned Tribunal has awarded a sum of ₹25,000/- towards loss of estate, which cannot be stated to be inadequate by any stretch of imagination. In case ***Rajesh & others Vs. Rajbir Singh & others, 2013(3) RCR (Civil) 170***, the deceased was having three minor children but only ₹1,00,000/- was awarded as compensation on account of loss of love, care and guidance by the Hon'ble Apex court. In the instant case also the learned Tribunal has awarded ₹1,00,000/- to two children of the deceased. Moreover, deceased's son Chander Shekhar Joshi was 23 years of age and daughter Meha Joshi was 18 years of age. So, both of them were major. So, no further enhancement under this head will be justified.

7. The award of interest is the judicial discretion of the Tribunal. There is nothing to conclude that such judicial discretion has been illegally exercised by the Tribunal warranting any interference by this

Court.

8. Thus, keeping in view my aforesaid discussion, the present cross objections are without any merits and the same are hereby dismissed.

24.08.2016
sunil yadav

**(DARSHAN SINGH)
JUDGE**

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