

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

**FAO No.5848 of 2002 (O&M)**

Date of Decision: October 06, 2017

Savita Garg and another

...Appellants

Versus

Gurmit Singh and others

...Respondents

**CORAM:- HON'BLE MR.JUSTICE HARINDER SINGH SIDHU**

Present: Mr.Ashok Jindal, Advocate for  
the appellants.

Mr.neeraj Khanna, Advocate for  
the respondent – Insurance Company.

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**HARINDER SINGH SIDHU, J.**

This appeal filed by the claimants is for enhancement of compensation awarded by the Motor Accident Claim Tribunal, Bathinda (for short 'The Tribunal').

Brief facts of the case are that on 13.4.2001 at about 1:15 PM, Rohit Garg aged about 9 years, was going on the Bibiwala Road, Bathinda on his bicycle. On the way, a Truck bearing Reg.No. RJ-31-G-2631 coming from Bibiwala Chowk, Bathinda struck him. In the accident he sustained multiple injuries, he was rushed to the Civil Hospital, Bathinda where despite the efforts of the doctors he succumbed to his injuries.

The appellants, his parents filed claim petition under section 166 of the Motor Vehicle Act, 1988 before the Tribunal. The Tribunal concluded that the accident had taken place due to the rash and negligent driving of

Gurmit Singh the driver of the Truck and awarded Rs.1,50,000/- as

compensation to the claimants.

Feeling dissatisfied with the quantum of compensation, the claimants have approached this Court.

Learned counsel for the appellants has relied on the decision of Hon'ble Supreme Court in **Kishan Gopal and another vs. Lala and others**, (2014)1 SCC 244, besides decisions of this Court in **Ali Mohammed and another vs. Nigam Dutt and others** 2017(1)PLR 423 and **FAO No. 10056 of 2014 Ram Swaroop vs. Ombir and others** decided on 22.10.2016 to contend that the compensation of Rs.5,00,000/- should have been awarded.

It was contended that the deceased was a student of 5<sup>th</sup> Class. He was studying in MSD School, which is a reputed school in that area. He was an intelligent student and the parents had aspired to make him a doctor.

**In Kishan Gopal's** case (supra) in case of death of a ten year old child Hon'ble Supreme Court had awarded compensation of Rs.5 lacs. In **Ali Mohammed's** case (supra) this court had awarded compensation of Rs. 5 lacs in case of death of nine year old child and Rs.2,50,000/- in case of death of a child of six years. Similarly in **Ram Swaroop's** case (supra) compensation of Rs. 5 lacs was awarded in the case of death of a 8 year old child.

Accordingly, the Award of the Tribunal is modified by enhancing the compensation to Rs.5,00,000/-from Rs.1,50,000/- as awarded by the Tribunal. The enhanced amount be paid to the appellants along with interest @ 7.5% per annum from the date of filing of claim petition till realisation.

amount to the appellants within three months of receipt of certified copy of this judgment and submit compliance report before the Tribunal.

October 06, 2017

( HARINDER SINGH SIDHU )  
JUDGE

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|-----------------------------|----------|
| Whether Speaking / Reasoned | Yes / No |
| Whether Reportable          | Yes / No |