

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CM-17989-CII-2014 in/and
FAO-5077-2006 (O & M)
Date of decision: 19.04.2017**

Sangtra Nath and anr.

.... Petitioner

V/s

Bogha Singh alias Avtar Singh and ors.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Divyadeep Walia, Advocate, for the appellants.

Mr. A.G.S. Dhillon, Advocate, for respondents No.1 and 2.

Mrs. Vandana Malhotra, Advocate, for the respondent-Insurance company.

Rajan Gupta, J. (Oral)

Present appeal is directed against the award passed by the Motor Accident Claims Tribunal, Bathinda, dated 02.06.2006. An accident took place on 27.-03.2005. Deceased alongwith other persons was sitting on the roof of the bus. At 10.00 a.m. when the bus crossed the village Mohallan, an electric wire which was crossing over the bus got entangled in the same. As a result, one Ravi fell down and sustained injuries. He was removed to Primary Health Centre, where he was declared as brought dead. FIR No.41 dated 27.03.2005 under Section 304 IPC was registered at the nearest police station. Parents of the deceased filed a claim petition claiming compensation for untimely death of Ravi and great mental agony suffered by them. They also stated that they be compensated for loss of love and affection.

The Tribunal came to the conclusion that the death had occurred due to rash and negligent driving by the driver of the bus. However, recovery rights were granted to the Insurance company as deceased was travelling on the roof of the bus and the driving licence was found to be fake. The total compensation of Rs.1,60,000/- alongwith interest was granted taking income of the deceased as Rs.3,000/- and taking dependency to be Rs.1200/- p.m.

Appellant has placed reliance on judgment in '*Krishan Gopal and another versus Lala and others, 2013 (4) RCR (Civil) 276*' to contend that an amount of Rs.5 lacs ought to have been granted keeping in view the age of the child and the fact that had he remained alive, he would have contributed substantially to the income of the family. Ratio of the aforesaid judgment is not disputed by counsel representing the respondents.

In view of the above, compensation is hereby enhanced to Rs.5 lacs. The interest part and the recovery rights shall remain intact as directed by the Tribunal.

Allowed in these terms.

(RAJAN GUPTA)
JUDGE

April 19, 2017
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No