

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

FAO No.3309 of 2013  
Date of Decision: 13.09.2017

Inderjit

.....Appellant

Vs.

Rajinder Kumar and others

.....Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI**

**Present:-** Mr.Saurabh Bhardwaj, Advocate, for the appellants.

Mr.Inderjit Singh, Advocate, for respondents No.1 to 3.

Mr.Tejinder Joshi, Advocate, for respondent No.4.

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**RITU BAHRI, J. (ORAL)**

Present appeal has been preferred by the claimants-appellants (for short 'the appellants'), against award dated 23.02.2013, passed by the learned Motor Accident Claims Tribunal, Yamuna Nagar at Jagadhari (for short, 'the Tribunal') vide which compensation to the tune of Rs.2,25,000/- was awarded to the claimants on account of death of his minor daughter Aarju.

**FACTS NOT IN DISPUTE**

On 24.04.2011, the claimant's wife Bishambri Devi along with her minor daughter Aarju was returning from her parental house situated in village Palaka to the claimant's house situated in village Dhamouli on a motorcycle No.HR-02X-5723 driven by her brother Randhir Singh. The motorcycle was being driven on correct left side of the road at a moderate speed and when it reached near petrol pump in the area of Radaur town, a truck bearing No.HR-58C-0280 was spotted coming from the opposite side

and it was being driven in a rash and negligent manner. So, Randhir Singh took his motorcycle to the extreme left side of the road on the Kaccha portion but the truck came to the wrong side of the road and hit against the motorcycle. Bishambri Devi and her daughter fell on the metalled road and were run over under the wheels of the truck. Both of them had succumbed to the injuries. A formal FIR No.126 dated 24.04.2011 for the offence under Section 279/304-A IPC was registered at Police Station, Farakpur on the statement of Randhir Singh the brother of deceased Bishambri Devi.

**COMPENSATION ASSESSED BY MACT**

Learned counsel for the claimants had cited a ruling of this Court reported as **UP State Road Transport Corporation Vs.Sukhdeep Kaur and another 2012 ACJ 125**, in which compensation of Rs.2,25,000/- was awarded in respect of death of a child of three years old who too was not earning any amount. Therefore, learned Tribunal has given the compensation of Rs.2,25,000/ to the claimant in view of the judgment cited herein above.

Learned counsel for the claimant-appellant contends that the compensation awarded by the Tribunal is on the lower side and deserves to be enhanced, in view of the judgment "**Krishan Gopal and another Vs. Lala and Others, 2013(4) RCR (Civil) 276.**

On the other hand, the learned counsel for the respondents have vehemently opposed the present appeal.

***RE-ASSESSED COMPENSATION***

I have heard learned counsel for the parties and perused the record.

age, who was assisting the appellants in their agricultural occupation and the claimants in that case were awarded an amount of Rs.5 lacs as compensation.

Adverting to the facts and circumstances of the case in hand, deceased-Aarju minor at the time of her death in a vehicular accident and her case is fully covered within the four corners of the above referred judgment. Thus, appellants also deserve the enhancement of the compensation. The compensation awarded by the Id. Tribunal to the tune of Rs.2,25,000/- cannot be termed to be just and adequate. Rather, it is on lower side.

In the light of what has been discussed above, the instant appeal is partly allowed and the amount of compensation stands enhanced to Rs.5 lacs. The enhanced amount of compensation i.e. Rs.2,75,000/- shall be payable within a period of forty five days from the date of receipt of certified copy of this order. The enhanced amount of compensation shall carry interest @ 9% per annum from the date of filing of the claim petition, till its realization, in view of the judgment of Hon'ble the Supreme Court in a case of **Kumari Kiran through her father Harinarayan vs. Sajjan Singh and others, 2015(1) SCC 539**. Remaining conditions of disbursal of amount shall remain unaltered. With the aforesaid modification in the impugned award, the appeal is allowed to the above extent.

(RITU BAHRI)  
JUDGE

13.09.2017  
anil

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |

