

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

**FAO-8808-2014 (O & M)
Date of decision: 01.02.2017**

Mahesh Singh Baghel and anr. Appellants

V/s

Jagdish Chand Koli and ors. ...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. S.K. Tripathi, Advocate, for the appellants.

Mr. Ashish Yadva, Advocate, for respondent No.1.

Mr. Subhash Goyal, Advocate, for respondent No.3.

Rajan Gupta, J. (Oral)

Present appeal has been preferred by the appellants dissatisfied with the compensation granted by the Tribunal, alleging that the Tribunal has erred in not granting adequate compensation on account of death of their only minor son.

Brief facts of the case are that accident took place on May 02, 2013. Nikhil, a 12 years old child was going alongwith his father from village Mahesh Singh Baghel to village Basai in District Gurgaon, on a two-wheeler. At that time, the offending vehicle, a dumper came from Sector 9, Gurgaon, and struck against the two-wheeler. The child fell down from two-wheeler and was crushed under the dumper. He is stated to be the only child of the parents. They lodged a claim with the Tribunal at Gurgaon. The court after examining the evidence, came to the conclusion that death of Nikhil took place due to rash and negligent driving by the driver of the

offending vehicle. While assessing compensation, it came to the conclusion that an amount of ₹ 2.5 lacs would be appropriate.

Keeping in view various pronouncements of the court, it has been urged before the court that the compensation is on the lower side as only child of the claimants had been lost. As parents were emotionally attached to the child, they would be devastated after his death. Both counsel are ad idem that in a recent judgment reported as '*Kishan Gopal and another versus Lal and others, 2013 ACJ 2594*', apex court granted a compensation of ₹ 5 lacs in case death of a minor child, only distinction being that in the said case the child was assisting his father in earning livelihood for the family.

Under the circumstances, I feel a sum of ₹ 4 lacs would be appropriate compensation to be granted to the appellant.

Learned counsel for the appellants is satisfied with this order.

Appeal is allowed in these terms. Compensation is enhanced accordingly. Interest granted by the Tribunal shall remain intact. Award of the Tribunal is modified to this extent.

February 01, 2017
sukhpreet

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No